

97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT 97-  
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LEGISLATIVE COUNSEL

FILE COPY

AUTHORIZING APPROPRIATIONS FOR FISCAL YEARS 1982 AND 1983  
FOR THE DEPARTMENT OF STATE, THE INTERNATIONAL COMMUNI-  
CATION AGENCY, THE BOARD FOR INTERNATIONAL BROADCAST-  
ING, AND THE INTER-AMERICAN FOUNDATION

MAY 19, 1981.—Ordered to be printed

Mr. FASCELL, from the Committee on Foreign Affairs,  
submitted the following

## REPORT

[To accompany H.R. 3518]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 3518) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### COMMITTEE ACTION

On March 11, 1981, the Assistant Secretary of State for Congressional Relations, Hon. Richard Fairbanks, sent to the Speaker of the House of Representatives Executive Communication 781 which contained a draft bill to authorize appropriations for fiscal years 1982 and 1983, for the Department of State, and for other purposes. This communication was referred to the Committee on Foreign Affairs, and on March 13 the chairman, Hon. Clement J. Zablocki, referred it to the Subcommittee on International Operations.

On March 25, 1981, the Acting Director of the International Communication Agency, Hon. John W. Shirley, sent to the Speaker of the House of Representatives Executive Communication 945 which contained a draft bill to authorize appropriations for fiscal years 1982 and 1983 for the International Communication Agency, and for other purposes. This Executive communication was also referred to the Committee on Foreign Affairs and on March 31, Chairman Zablocki referred it to the Subcommittee on International Operations.

On March 18, the Executive Director of the Board for International Broadcasting, Walter Roberts, sent to the Speaker of the House of Representatives, Executive Communication 905 which contained a draft bill to amend the Board for International Broadcasting Act of 1973, to authorize a supplemental appropriation for fiscal year 1981, and to authorize appropriations for fiscal years 1982 and 1983 to carry out that act. This communication was referred to the Committee on Foreign Affairs and on March 25, it was referred to the Subcommittee on International Operations by Chairman Zablocki.

On March 19, the President of the Inter-American Foundation, Peter D. Bell, sent to the Speaker of the House of Representatives Executive Communication 887 which contained a draft bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1982 and 1983 to carry out that act. This communication was referred to the Committee on Foreign Affairs and on March 24, it was referred to the Subcommittee on International Operations by Chairman Zablocki.

The subcommittee held hearings on the draft bills March 11, 12, 16, 18, 23, 24, 25, and 26, during which testimony was received from four Members of Congress, representatives of the Department of State, the International Communication Agency, the Board for International Broadcasting, and the Inter-American Foundation, as well as representatives from the private sector. Among the witnesses were the following: Hon. Jonathan B. Bingham, a Representative in Congress from the State of New York; Hon. Jim Santini, a Representative in Congress from the State of Nevada; Hon. James A. Courter, a Representative in Congress from the State of New Jersey; Hon. Antonio Borja Won Pat, a Delegate from the territory of Guam; Hon. Alexander Haig, Secretary of State; Hon. Richard T. Kennedy, Under Secretary of State for Management; Hon. Thomas M. Tracy, Assistant Secretary of State for Administration; Hon. Diego C. Asencio, Assistant Secretary of State for Consular Affairs; Mr. Marion Creekmore, Deputy Assistant Secretary of State for International Organization Affairs; Mr. William L. Slayton, Director, Office of Foreign Buildings, Department of State; Mr. Stuart E. Branch, Deputy Assistant Secretary of State for Communications; Mr. Karl D. Ackerman, Deputy Assistant Secretary of State for Security; Hon. James L. Buckley, Under Secretary of State for Security Assistance, Science and Technology; Hon. John W. Shirley, Acting Director, International Communication Agency; Hon. Charles Ablard, Acting Chairman, Board for International Broadcasting; and Hon. Peter D. Bell, President, Inter-American Foundation.

The subcommittee held an open markup session on March 1, 1981, on the draft legislation and reported to the full committee a draft bill in the form of a committee print, to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, the Board for International Broadcasting, and the Inter-American Foundation.

On April 2, the full committee held an open markup of the draft bill, and agreed to the introduction of a clean bill. H.R. 3518 was subsequently introduced by Hon. Dante B. Fascell, chairman of the Subcommittee on International Operations, and 11 cosponsors on May 12, 1981, and on the same day was ordered favorably reported by voice vote.

## 3

## PURPOSE OF THE BILL

The principal purpose of H.R. 3518 is to authorize appropriations for fiscal years 1982 and 1983 in the amounts of \$3,133,587,000 and \$3,674,422,000 respectively for the Department of State, the International Broadcasting (which makes grants to Radio Free Europe and Radio Liberty), and the Inter-American Foundation. The bill also authorizes a supplemental request of \$600,000 for the Board of International Broadcasting for fiscal year 1981.

The following table shows for each agency the fiscal years 1982 and 1983 authorizations approved by the committee, by major categories, and the amounts requested by the executive branch for fiscal years 1982 and 1983:

(In thousands of dollars)

	Fiscal year 1981		Fiscal year 1982		Fiscal year 1983	
	Authori- zation	Appropri- ation	Executive request	Committee recom- mendation	Executive request	Committee recom- mendation
Department of State:						
Administration of foreign affairs..	1,009,895	948,139	1,318,754	1,318,754	1,248,059	1,744,391
International organizations and conferences.....	525,082	516,941	563,806	563,806	554,436	554,436
International commissions.....	26,081	24,713	22,508	22,508	22,432	24,759
Migration and refugee assistance.....	517,298	456,241	553,100	533,100	460,000	555,600
Science and technology agree- ments.....	1,400	1,400	3,700	3,700	3,700	3,700
Subtotal, Department of State..	2,079,756	1,946,434	2,461,868	2,461,868	2,288,627	2,882,886
International Communication Agency..	465,944	447,915	561,402	561,402	482,340	656,505
Board for International Broadcasting..	85,787	99,700	98,317	98,317	98,317	115,031
Inter-American Foundation.....	415,964	415,964	12,000	12,000	(*)	20,000
Total.....	2,648,451	2,510,013	3,133,587	3,133,587	2,869,284	3,674,422

<sup>1</sup> Includes an earmarking of \$12,500,000 for the resettlement of Soviet and Eastern European refugees in Israel.

<sup>2</sup> Includes an earmarking of \$15,000,000 for the resettlement of Soviet and Eastern European refugees in Israel.

<sup>3</sup> Does not include the supplemental authorization of \$600,000 for BIB contained in this bill as requested by the executive branch. Difference in authorization and appropriation figures reflects the inclusion of a supplemental appropriation continuing resolution.

<sup>4</sup> Executive request, no authorization enacted; funds provided under the continuing resolution.

<sup>5</sup> Such sums as may be necessary.

<sup>6</sup> Total does not include the open-ended Executive request for the Inter-American Foundation.

The bill also contains certain administrative authorities which have been requested by the agencies. Other sections of the bill accomplish the following:

(1) Provide that a passport shall be valid for a period of 10 years and authorize the Secretary of State to prescribe and collect a fee for passport issuance;

(2) Clarify authority to offset adverse fluctuations in foreign currency exchange rates and overseas wage and price changes;

(3) Provide for an ex gratia payment to the Government of Yugoslavia of \$81,000;

(4) Provide that passports and reports designated as "Report of Birth Abroad of a Citizen of the United States" have the same force and effect as proof of U.S. citizenship as do certificates of naturalization or citizenship;

(5) Provide for payments of U.S. assessments to the Pan American Institute of Geography and History, the Hague Conference on Private International Law, the International Institute for the Unification of Private Law, and the Pan American Railway Congress;

(6) Provide for a U.S. representative in Vienna to represent U.S. interests in a variety of International Organizations;

(7) Provide for the use of private sector representatives on U.S. delegations to international telecommunications meetings and conferences;

(8) Provide for the distribution within the United States of the film entitled "Reflections: Samuel Eliott Morison".

Finally, a section of the bill provides a mechanism which would allow the United States to exercise greater control over the activities and acquisitions of foreign diplomatic missions and personnel in the United States comparable to that exercised by foreign governments over U.S. missions abroad.

#### SECTION-BY-SECTION ANALYSIS

##### TITLE I—DEPARTMENT OF STATE

###### *Section 101—Short title*

This section provides a short title of "Department of State Authorization Act, Fiscal Years 1982 and 1983."

###### *Section 102—Authorizations of appropriations*

This section authorizes appropriations for the Department of State for fiscal years 1982 and 1983 in the amounts of \$2,461,868,000 and \$2,882,886,000 respectively. These funds will enable the Department of State to carry out its authorities, functions, duties, and responsibilities for the conduct of foreign affairs. The following table details the executive branch request as approved by the committee for fiscal year 1982 for the Department of State:

<b>Administration of foreign affairs:</b>	
Salaries and expenses.....	\$928, 258, 000
Representation allowances.....	3, 570, 000
Acquisition, operation, and maintenance of buildings abroad.....	238, 070, 000
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program).....	42, 775, 000
Emergencies in the diplomatic and consular service.....	5, 000, 000
Payment to the Foreign Service Retirement and Disability Fund.....	73, 197, 000
Buying power maintenance fund.....	20, 000, 000
Payment to the American Institute in Taiwan.....	7, 884, 000
Subtotal .....	<u>1, 318, 754, 000</u>
<b>International organizations and conferences:</b>	
Contributions to international organizations.....	494, 591, 000
Contributions for international peacekeeping activities.....	60, 938, 000
International conferences and contingencies.....	8, 277, 000
Subtotal .....	<u>563, 806, 000</u>
<b>International commissions:</b>	
International Boundary and Water Commission, United States and Mexico.....	9, 913, 000
American sections, international commissions.....	3, 235, 000
International Fisheries Commissions.....	9, 360, 000
Subtotal .....	<u>22, 508, 000</u>

Migration and refugee assistance: <sup>1</sup>	
Intergovernmental Committee for Migration-----	\$4, 450, 000
International Committee for the Red Cross-----	1, 500, 000
Resettlement assistance-----	1, 000, 000
U.S. refugee program-----	294, 587, 000
Soviet and Eastern European refugees resettling in Israel--	12, 500, 000
Indochina refugee program-----	60, 655, 000
African program-----	77, 000, 000
Near East program-----	92, 150, 000
Latin American program-----	1, 000, 000
Operational and administrative expenses-----	8, 248, 000
Subtotal -----	553, 100, 000
Bilateral science and technology agreements-----	3, 700, 000
Total authorization, Department of State-----	2, 461, 868, 000

<sup>1</sup> The total U.S. contribution to the United Nations High Commissioner for Refugees (distributed throughout the various refugee accounts) is \$124,815,000.

Section 102(1) authorizes an appropriation of \$1,318,754,000 for fiscal year 1982 and \$1,744,391,000 for fiscal year 1983 for the "Administration of Foreign Affairs" account. This category provides the necessary funds for salaries and benefits, expenses and allowances of employees of the Department, both in the United States and abroad. It also provides funds for Executive direction and U.S. foreign policy formulation, the conduct of diplomatic and consular relations with foreign countries, the conduct of diplomatic relations with international organizations, the acquisition, operations, and maintenance of buildings abroad, domestic public information activities, central program services, and administrative activities. The amount specified in this paragraph for fiscal year 1982 is identical to the amount requested by the executive branch. However, the committee recognizes that the current average overseas inflation rate is approximately 18 percent, and therefore considers the executive branch request unrealistic. Consequently, the committee has increased the fiscal year 1983 requested authorization level by 17 percent in the expectation that overseas inflation will decline and permit modest program growth. The committee has not, however, allocated this increase by individual accounts, recognizing that specific needs in fiscal year 1983 will determine this allocation.

While the committee supports efforts to decrease the Federal budget, there comes a point where budget decreases become more costly than increases, both in financial and national security terms.

U.S. national security rests on a triad composed of a vigorous, expert diplomacy, an alert intelligence service, and a first-class military capability. Yet the foreign affairs budget process over the years has compromised the ability of the foreign affairs agencies to protect and advance the national security. The State Department is the only Cabinet department to have reduced positions since 1959. Political and economic reporting and analysis positions have been reduced 12 percent in the past decade alone. Yet at the same time, the U.S. global responsibilities, international trade and investment, travel of U.S. citizens overseas and of foreign citizens to the United States, and the size of the rest of the U.S. Government were expanding rapidly.

The result of this neglect, often couched in terms of budget savings, has been evident from Iran and Afghanistan to Central America, Angola, and Ethiopia. The United States was caught unaware as trained eyes and ears were removed from the front lines.

Among the efforts which have been weakened through efforts to create immediate budget savings, are those in the communication, security, and administrative areas, as well as political and economic reporting generally. All areas continue to need personnel and training positions. Due to the increase in protective services required, security officers must work large amounts of overtime. Computer capability within the Department of State remains inadequate, though the Department has made strides in acquiring new systems for financial management and for the consular area. The Communications Office continues to be understaffed. Administrative officers need more extensive training in order to prevent fraud and waste, yet this is not possible without an increase in positions to release personnel for training. The provisions of the Foreign Service Act of 1980, which were to provide some compensation for service at difficult or high-risk posts, remain unimplemented and unfunded. The effects of these budget cuts over the years have produced a process in the foreign affairs agencies where the question is no longer "where can cuts be made to produce a more efficient and effective diplomacy?" but "where will the cuts be least disastrous?"

Ironically, the Department of State, as a result of the gross cut of 550 positions represented by this budget, will not be at a personnel strength of 16,285, which is below its fiscal year 1959 personnel levels of 17,012. In 1959, the United States maintained relations with 85 countries. Today, the United States maintains relations with 146 countries and 46 international organizations at 278 posts overseas. Since 1960, the number of Foreign Service officers has declined from 3,717 to 3,564. Consular work has increased 900 percent, largely as a result of the enormous increase in the number of traveling Americans and non-Americans. The demand for increased reporting from the field has increased 400 percent. In the face of these statistics, the State Department continues to be cut back.

Furthermore, many Americans seem to accept the myth that the Department of State cannot do an effective job discharging its responsibilities. This has resulted in, among other things, the loss of the trade function from the Department which has attempted in vain over the years to acquire the personnel and training necessary to perform the task. Now another department is engaged in exactly the same fight. Morale in the Foreign Service is low, while the job keeps growing and the resources keep shrinking. At the same time, however, the Department has significantly improved its consular services, its overall reporting is of a high caliber, and its personnel are still committed and hardworking. In the committee's view, the Department of State deserves praise for the job it has done with limited resources, while other agencies have grown in size.

The largest item under the category, "Administration of Foreign Affairs," relates to salaries and expenses. The following table provides a breakdown for this item for fiscal year 1982:

7

*Salaries and expenses*

	<i>Thousands</i>
Salaries:	
Americans .....	\$323, 882
Foreign Service nationals .....	101, 303
Subtotal .....	425, 185
Benefits:	
Americans .....	63, 469
Foreign Service nationals .....	7, 352
Former FSN personnel .....	2, 263
Subtotal .....	73, 184
Expenses:	
Travel and transportation of persons .....	50, 231
Transportation of things .....	52, 381
Communications, utilities, and other rents .....	129, 720
Printing and reproduction .....	6, 912
Other services .....	108, 940
Supplies and materials .....	34, 696
Equipment .....	46, 055
Investments and loans .....	45
Grants, subsidies, and contributions .....	1, 802
Insurance claims and indemnities .....	1, 645
Subtotal .....	432, 427
Total .....	930, 796
Deduct: Savings due to personnel reduction .....	2, 538
Grand total .....	928, 258

Another major appropriation category authorized under this account relates to the acquisition, operation, and maintenance of buildings abroad. The total amount of \$280,845,000 for fiscal year 1982 includes both a capital account and the special foreign currency program. The special foreign currency program provides for payments in excess foreign currencies and thereby reduces U.S. dollar expenditures.

For fiscal year 1982 the committee recommendations for this account are identical to the executive branch request. They include \$238,070,000 for the capital account and \$42,775,000 for the special foreign currency program.

The following table outlines for fiscal year 1982 the estimated dollar and foreign currency expenditures related to the acquisition, operation, and maintenance of buildings abroad:

*Acquisition, operation, and maintenance of buildings abroad*  
*(dollar account and special foreign currency program)*

	<i>Thousands</i>
Acquisition, development, and construction:	
Africa .....	\$1, 060
American republics .....	7, 560
East Asia and Pacific .....	8, 500
Europe .....	6, 260
Near East and South Asia .....	1, 760
Near East and South Asia (foreign currency) .....	35, 675
Moscow complex .....	31, 700
Riyadh complex .....	82, 100
Subtotal .....	174, 615

*Acquisition, operation, and maintenance of buildings abroad  
(dollar account and special foreign currency program)—Continued*

Operations :	<i>Thousands</i>
Minor improvements.....	2,900
Minor improvements (foreign currency).....	355
Leasehold payments.....	3,000
Leasehold payments (foreign currency).....	10
Operation of buildings.....	59,600
Operation of buildings (foreign currency).....	3,260
Maintenance and repair.....	20,400
Maintenance and repair (foreign currency).....	2,105
Furnishings and equipment.....	10,860
Furnishings and equipment (foreign currency).....	1,120
Project supervision and administration.....	6,195
Project supervision and administration (foreign currency).....	250
 Subtotal	 110,055
 Total, obligations	 284,670
Deduct: Anticipated proceeds of sale of real property.....	-3,825
 Total, acquisition, operation, and maintenance of buildings abroad	 280,845

The committee has reviewed with interest the recent report by the U.S. General Accounting Office entitled, "U.S. Consular Services to Innocents—and Others—Abroad: A Good Job Could Be Better With a Few Changes." The recommendations made by GAO include the following:

(1) The Secretary of State should reassess and revise consular authority for emergency assistance to Americans abroad.

(2) The Secretary of State should review and extend U.S. consular conventions in order to enhance possibilities for protecting the lives and property of Americans abroad.

(3) The Secretary of State should clarify the Department's instructions to the field concerning the Privacy Act.

(4) The Secretary of State should take affirmative action to end widespread perceptions of cone (career) discrimination such as (a) establishing positions for the consular function more nearly commensurate with the workload; (b) establishing a firm policy of keeping all authorized consular positions filled at all times; and (c) determining and clarifying for the Foreign Service the reasons for the perceived inequities in the classification structure between the consular cone and the others, and making such changes as may be necessary.

(5) The Attorney General should determine, in cooperation with the Secretary of State, what, if any, new controls are necessary to an effective system of blanket visa waivers for selected countries.

The committee concurs in these recommendations, and notes that they reflect a need to increase consular positions. While the present budget recommends a technical increase of 100 positions in the consular bureau, these increases will be achieved by decreasing positions in the rest of the Department, thereby resulting in a weakening of other State Department efforts. This kind of budgeting weakens the Department as a whole and further aggravates the position of consular personnel who already experience career discrimination.



9

The committee also wishes to express concern over the status of nuclear nonproliferation matters within the Bureau of Oceans, International Environmental and Scientific Affairs (OES), in the Department of State. For the first time, this Bureau has sole responsibility for these issues. However, the current head of the Bureau has properly disqualified himself, on conflict of interest grounds, from participating in any matters which might touch on areas in which he was involved in the private sector. The letter submitted to the Committee on Foreign Relations follows.

DEPARTMENT OF STATE,  
*Washington, D.C., May 4, 1981.*

Hon. CHARLES H. PERCY,  
*Chairman, Committee on Foreign Relations,*  
*Washington, D.C.*

DEAR SENATOR PERCY: I wish to take this occasion to reiterate my intent to comply fully with all applicable laws, regulations and State Department guidelines concerning my disqualification, due to my prior private practice of law, from considering matters as a government official.

Specifically, I accept without qualification the obligation not to participate in any particular matter which might result in, or give the appearance of, a conflict of interest, giving preferential treatment to any person, a loss of independence or impartiality, or which would otherwise adversely affect the confidence of the public in the integrity of the government.

I will disqualify myself, for example, from participating in any aspect of a particular matter in which I have been personally involved in private practice on behalf of a client, as well as any substantially related matter involving or affecting such clients. I will also disqualify myself from all particular matters in which, because of the involvement or interests of my prior firm, colleagues or clients, my participation would give rise to an actual or apparent conflict or appearance of impropriety. Examples of such matters include those in which a major prior client has a direct financial interest, as well as those in which my prior firm or colleagues could appear to receive preferential treatment.

I will also be subject to the ethical standards of the professional Code of Ethics of the bar association or associations of which I am a member, which provide additional guidance for attorneys entering the Government from private practice.

Because of certain questions which have arisen as to the interpretation of the Departmental guidance with respect to avoiding even the appearance of impropriety, I am further prepared to elaborate upon these standards by making the following specific assurances to the Committee:

(1) I will disqualify myself from ruling on export licenses and reprocessing requests for Taiwan Power Company, Tokyo Electric Power Company, Kansai Electric Power Company, and General Atomic Company, and from ruling on all substantially related matters involving any of those firms (including such substantially related matters as the transfer of US-origin spent fuel from Japan to the UK and France);

10

(2) I will disqualify myself from participating in any other specific decisions which would be tantamount to ruling upon the particular matters from which I have agreed to disqualify myself. This does not necessarily mean that I would not participate in the development of country by country policy.

By disqualification I mean that I will not consider the matter and will instead, in writing, disclose pertinent facts to the appropriate official within the Department and instruct, in writing, my Deputy or other senior subordinate to prepare the necessary materials for decision without advising me anything about the case or seeking my advice or decision. This will be a matter of record in the Department of State.

Sincerely,

JAMES L. MALONE,  
*Assistant Secretary of State for Oceans,  
International Environmental and Scientific Affairs—Designate.*

Such a disqualification will hamper effective discussion of nuclear nonproliferation issues. The Committee also holds the view that the security aspects of nuclear nonproliferation matters should be given more emphasis, in addition to the consideration of technical and commercial aspects traditionally carried out by the OES Bureau. In addition, the pending review of the Law of the Sea draft convention will necessarily consume a major portion of OES resources. Therefore, the Secretary of State is encouraged to consider moving nuclear nonproliferation matters to a location in the Department where security aspects would receive more intensive review.

The Committee also notes that, in 1978, Congress enacted Title V (Science, Technology, and American Diplomacy) of the Foreign Relations Authorization Act, Fiscal Year 1979. The title contained a set of congressional findings and a declaration of policy concerning, inter alia, the significance of science and technology in bilateral and multilateral activities.

Section 503(b) of title V called upon the President to study and transmit to Congress no later than January 31, 1980, and no later than January 31 of each subsequent year a report containing recommendations on two specific subjects: (1) Personnel requirements, standards, and training for any Federal personnel whose assignments involve science, technology, and foreign relations, and (2) the continuation of existing bilateral and multilateral activities and agreements dealing with science and technology. In the latter regard, the report was intended to analyze foreign policy implications of those activities, the adequacy of their funding and administration, as well as plans for future evaluation of those activities.

Upon the transmittal of the first annual report in January 1980, the Committee on Foreign Affairs and the Committee on Science and Technology jointly published the report along with a staff analysis recommending improvements that should be made in future reports.

The Committee on Foreign Affairs received the second annual report on science, technology, and diplomacy earlier this year. The report reflects an improvement over the 1980 report in the quality of material presented, but does not contain any recommendations on

either personnel requirements or the continuation of bilateral and multilateral activities in the area of science, technology, and diplomacy. The committee considers the relationships among science, technology, and foreign policy to be of vital significance and continues to support improvement of the capacity of the foreign affairs agencies to acquire and use scientific and technological resources. The committee therefore urges the Secretary of State to reflect, in the report due January 31, 1982, recommendations pursuant to section 503(b) (1) and (2) and to consult with relevant committees in the process of preparing these recommendations.

Section 102(2) authorizes the executive branch requests of \$563,806,000 for fiscal year 1982 and \$554,436,000 for fiscal year 1983 to meet U.S. obligations for various international organizations and conferences. U.S. membership in these organizations have been authorized by treaties, conventions, or specific acts of Congress and constitutes an obligation for payment of the U.S. assessed share of these budgets pursuant to the basic statutes or constitutions of the international organizations.

This account specifically provides funds to meet the assessed obligations of the United States to support the budget of the United Nations, nine U.N. specialized agencies, and the International Atomic Energy Agency. It also includes funds for U.S. contributions to the assessed budgets of 6 Inter-American organizations, 5 regional organizations, and 22 other international organizations.

The authorization also covers the U.S. share of the costs of the U.N. peacekeeping forces in the Middle East. These forces were established by the U.N. Security Council, strongly supported by the United States, in order to maintain a cease-fire and create an atmosphere in which negotiations could take place between the conflicting parties. These forces include the U.N. Interim Force in Lebanon, created in 1978, and the U.N. Disengagement Observer Force on the Golan Heights. Finally, this authorization provides for the expenses of eight U.S. missions to international organizations and the expenses of the congressional delegations to four inter-parliamentary groups, as well as providing for U.S. participation in multilateral intergovernmental conferences.

The following table shows estimated expenditures for fiscal year 1982 for international organizations and conferences:

<i>Contributions to international organizations</i>	
United Nations and affiliated agencies:	<i>Thousands</i>
United Nations.....	\$146,451
UNESCO.....	46,809
International Civil Aviation Organization.....	5,281
World Health Organization.....	52,344
Food and Agriculture Organization.....	43,732
International Labor Organization.....	47,332
International Telecommunication Union.....	4,851
World Meteorological Organization.....	3,597
Intergovernmental Maritime Consultative Organization.....	523
Universal Postal Union.....	554
World Intellectual Property Organization.....	539
International Atomic Energy Agency.....	19,071
Subtotal .....	<u>371,084</u>

*Contributions to international organizations—Continued*

Inter-American Organizations :	Thousands
Inter-American Indian Institute.....	154
Inter-American Institute of Agricultural Sciences.....	7, 672
Pan-American Institute of Geography and History.....	396
Pan-American Railway Congress Association.....	22
Pan-American Health Organization.....	19, 237
Organization of American States.....	39, 738
Subtotal .....	67, 219
Regional organizations :	
South Pacific Commission.....	829
North Atlantic Treaty Organization.....	20, 347
Colombo Plan for Technical Cooperation.....	8
Organization for Economic Cooperation and Development.....	25, 879
Subtotal .....	47, 434
Other international organizations.....	8, 854
Contributions for peacekeeping activities.....	60, 938
International conferences and contingencies :	
Participation in international conferences :	
Meeting of international organizations.....	5, 145
Meetings of interparliamentary unions.....	240
Other international conferences.....	2, 200
Subtotal .....	7, 585
Contributions to new or provisional organizations :	
Central Treaty Organization.....	
U.N. Memorial Cemetery Commission.....	30
Union for the Protection of New Varieties of Plants.....	
International Rubber Organization.....	200
International Tin Council.....	200
International Wheat Council.....	262
Subtotal .....	692
Total request.....	3, 563, 806

The committee notes that the authorization requests for 15 of these organizations have been reduced by \$160 million in the President's revised budget request as a first step in a 4-year process proposed by the executive branch which will change the timing of the payment of the U.S. assessed contributions to these organizations. The intent is to enable the Congress and the executive branch to prepare and act upon the annual budget request for U.S. assessed contributions after the budget for each international organization has been adopted, rather than in advance of adoption of the budget, as has been done in the past. Under the proposed change, the United States would not technically be in arrears to any of these 15 organizations in any given calendar year, although the payments would be made at staggered times over the next 4 years. The transition to this new payment cycle is proposed to be fully accomplished in the fiscal year 1986 budget request. The following table indicates the payment schedule contemplated:

Calendar year assessment	Percent source of funding by fiscal year	Percent of assessment paid in each fiscal year
1981 (present procedure).....	100 percent from 1981.....	75 percent in 1981. 25 percent in 1982 (1st quarter).
1982.....	75 percent from 1982..... 25 percent from 1983.....	50 percent in 1982. 50 percent in 1983 (1st quarter).
1983.....	50 percent from 1983..... 50 percent from 1984.....	25 percent in 1983. 75 percent in 1984 (1st quarter).
1984.....	25 percent from 1984..... 75 percent from 1985.....	100 percent in 1985 (1st quarter).
1985.....	100 percent from 1985.....	100 percent in 1986 (1st quarter).

While the committee recommends adoption of this proposal for fiscal years 1982 and 1983, it does so with certain reservations concerning the effects of a staggered payment schedule on certain of these international organizations. The committee recognizes that certain cash-flow problems will be encountered by these organizations. In particular, the committee is concerned that the Organization of American States, which depends on the United States for 65 percent of its funding, may experience more serious fiscal problems than other international organizations, whose budgets receive 25 percent of their funding from the United States. The committee therefore reserves the right to change this payment schedule if it creates a deleterious budgetary impact on any of these organizations. Furthermore, the committee continues to be concerned about the ability of the Department of State to affect the budgetary activities of international organizations in a meaningful and timely fashion.

The committee also wishes to point out that the current budget does not make room for any personnel increases which would permit the Bureau of International Organization Affairs to increase the number of budget officers who are available to follow the entire international organization budgetary process from beginning to end. This means that the United States will continue to be forced to weigh into this process after many significant decisions have been made, rather than at the beginning of the initial decisionmaking process. The committee therefore urges the Department of State to give consideration to increasing the number of personnel who staff the U.S. delegations to international organizations in an effort to include a budget officer on each delegation or, at the very least, on each major delegation. While the committee recognizes that this would present higher costs in the form of personnel and salary increases to the Department, it could very well result in long-term cost savings if the United States makes a more effective budgetary presentation in these organizations. In the view of this committee, there is no substitute for effective, well-staffed, and adequately supported permanent U.S. delegations to the international organization system.

Section 102(3) authorizes the executive branch request of \$22,508,000 for fiscal year 1982 for expenses under the "International Commissions" account. For fiscal year 1983, the committee authorizes \$24,759,000 for this account which reflects the 17-percent increase over the executive branch request explained above. This category includes authority for appropriations for the following Commissions of which the United States is a member: the International Boundary

and Water Commission, United States and Mexico; the International Joint Commission, United States and Canada; the International Boundary Commission (United States and Canada); and the U.S. share of expenses of 12 international fisheries commissions concerned with the preservation and expansion of fishing stocks and the International Council for the Exploration of the Sea.

The following table outlines estimated expenses for "International Commissions" for fiscal year 1982:

<i>International Boundary and Water Commission, United States and Mexico</i>	
	<i>Thousands</i>
Salaries and expenses.....	\$8, 727
Construction .....	1, 186
Subtotal .....	9, 913
American sections, international commissions.....	3, 235
International fisheries commissions.....	9, 360
Total .....	22, 508

Funds authorized by this paragraph will permit the United States to fulfill its treaty and other international obligations to Canada, Mexico, and countries belonging to the international fisheries commissions.

The International Boundary and Water Commission, United States and Mexico, is responsible for the regulation and exercise of the rights and obligations the two Governments have assumed for the solution of problems arising on the boundary which require joint action. The principal activities include: (1) Maintenance of the river boundaries; (2) distribution between the two countries of water of the international rivers; (3) international flood control operations; (4) conservation and regulation of waters of the river boundaries for utilization in the two countries; (5) improvement of the qualities of waters of international rivers; (6) sanitation measures; (7) development of hydroelectric power; and (8) demarcation of the land boundary.

The authorization for the American section of the International Boundary Commission, United States and Canada, finances the U.S. share of the expenses of maintaining the United States-Canadian boundary markers in accordance with existing treaties and preserves boundary vistas by periodic tree cutting and vegetation control. The International Boundary Commission was established by the treaty of 1925 between the United States and Canada. The goal of maintaining a well-marked border between the two countries serves a number of interests including the following: Oil and minerals exploration; logging operations; hunting and game warden activities; criminal cases in which it is important to know on which side of the border the crime took place; conservation activities; and the needs of private property owners in the area. The Commission also settles any boundary questions or disputes that may arise between the Governments of the United States and Canada, but this jurisdiction does not include the sea boundaries. The funds requested for fiscal year 1982 reflect the ongoing requirements for meeting treaty obligations and do not result from the establishment of new programs.

The International Joint Commission, established under article 7 of

the Boundary Waters Treaty of 1909, conducts investigations of boundary waters for the regulation of levels and flows of water, pollution abatement and water quality control, and such other matters of mutual concern to the United States and Canada. Cases or projects come before the Commission under the relevant treaties and agreements either directly or by specific request. The Commission's workload is determined mainly by the Governments of the United States and Canada. Less frequently, projects are proposed by private industry. No projects dealt with by the Commission are initiated by it. This fiscal year 1982 request reflects the ongoing needs of the Commission's activities.

The authorization for the U.S. share of expenses of the 12 bilateral and multilateral international fisheries organizations established by treaties reflects an increase of three new fisheries commissions. These are the United States-Canada East Coast Fisheries Commission, the International Antarctic Marine Living Resources Commission, and the International Atlantic Salmon Commission. The basic objectives which the United States hopes to attain by membership in these international fisheries organizations include the following: (1) To provide a forum for discussion between the United States and other fishing nations on problems of mutual interest; (2) to insure the propagation and to guard against depletion of fishery resources of importance to the United States; and (3) to insure that U.S. fishermen have the opportunity to harvest an equitable share of fish found primarily in proximity to the coast of the United States.

The committee notes that the United States has signed, but has not yet ratified the Northwest Atlantic Fisheries Convention or joined the Commission established under the Convention. The Convention has, however, been submitted to the Senate for advice and consent and the committee expects the Senate to ratify it shortly. Therefore the committee has provided an authorization of \$70,000 to fund the first year of U.S. membership in the Commission. This funding has been provided in the fiscal year 1981 authorization. However, because the Convention was not ratified, the funds authorized were not used.

Section 102(4) authorizes \$553,100,000 for fiscal year 1982, and \$555,600,000 for fiscal year 1983 for the "Migration and Refugee Assistance" account to enable the United States to provide assistance for refugees throughout the world. While the committee recommendation for fiscal year 1982 is identical to the executive branch request, the amount recommended for fiscal year 1983 includes the fiscal year 1982 executive branch request with an additional \$2.5 million for assistance to Soviet and Eastern European refugees going to Israel.

Assistance for refugees is rendered through contributions to multilateral organizations such as the Intergovernmental Committee for Migration (formerly, the Intergovernmental Committee for European Migration), the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). Bilateral assistance is provided to refugees designated by the President, as authorized by law.

The following table shows the amounts made available in the "Mi-



gration and Refugee Assistance" account in the fiscal year 1981 continuing resolution and in the fiscal year 1982 executive branch request:

SUMMARY OF REQUIREMENTS, MIGRATION AND REFUGEE ASSISTANCE APPROPRIATION

[By fiscal year, in thousands of dollars]

Budget activities	1981 continuing resolution <sup>1</sup>	1982 Executive request
Refugee admissions .....	\$275,968	\$294,587
Indochina refugee program .....	92,652	60,665
Soviet and Eastern European refugees to Israel .....	12,500	12,500
African program .....	<sup>2</sup> 35,700	77,000
Near East program .....	<sup>2</sup> 3,780	92,150
Latin American program .....	1,220	1,000
International organizations .....	5,120	6,950
Administrative expenses .....	6,801	8,248
Total .....	<sup>2</sup> 433,741	553,100

<sup>1</sup> Adjusted for \$22,500,000 in proposed rescissions.

<sup>2</sup> Excludes \$14,250,000 in funding for Africa and \$52,000,000 as the basic U.S. contribution to the United Nations Relief and Works Agency (UNRWA) which are provided to the refugee program in fiscal year 1981 via allocation accounts from the Agency for International Development.

Since World War II, the policy of the United States has been to play a leading role within the international community in assisting victims of persecution who are forced to flee their homelands because of the repressive policies and practices of their governments. Those who leave their homelands in this manner often risk abuse, separation from family, future uncertainty, or even loss of life.

The world refugee population today exceeds that of any period in recent history. Within the past year, a number of crises have resulted in large outflows of people across international borders: The devastation of Kampuchea, the Soviet invasion of Afghanistan, the increase in the scope of Ethiopian refugee problems in Somalia and Sudan, and the Cuban refugee crisis. The committee acknowledges that making accurate estimates of the numbers of refugees actually needing assistance is frequently very difficult. Therefore, while the committee has supported the executive branch request for fiscal year 1982, the committee has increased the authorization level for fiscal year 1983 so that, with the exception of the Soviet and Eastern European program, the level remains the same. The new fiscal year 1983 authorization therefore reflects the realization that refugee levels and overseas inflation may, on the basis of recent experience, require additional funding above the original executive branch request for fiscal year 1983.

In a continuing attempt to seek solutions to the problems of refugees throughout the world, the major objectives of the U.S. refugee program include the following:

- To discourage through diplomatic means the internal government practices which generate refugee populations, and to seek solutions which will permit return of refugees to their homelands.
- To support the principle of international responses to refugee problems by placing maximum responsibility on appropriate international organizations; by involving as many nations as possible in international refugee programs, and by promoting voluntary repatriation programs, resettlement in place, or resettlement to third countries.



- To encourage so humanitarian countries contiguous to refugee-generating countries to provide temporary housing, food, and medical assistance until international agencies are able to arrange for voluntary repatriation, or resettlement.
- To eliminate threats to the lives of escaping refugees by promoting, where appropriate, orderly departure programs from refugee-generating countries.
- To encourage adherence to the international instruments for the protection of refugees, especially the protocol of 1967, which defines a refugee and describes his or her rights and the duties of nations toward refugees.
- To admit to the United States, under the Refugee Act of 1980, those refugees who are of special humanitarian concern to the United States, and to insure that they receive equitable assistance and support.

The committee wishes to note that, while the Indochinese refugee crisis is still of vital concern, the international community has resettled over 370,000 refugees since August 1979, following the Indochinese Refugee Conference held in Geneva in July 1979. As a result of this conference, first-asylum countries have been willing to continue to accept incoming refugees, thus saving many thousands of refugees who might otherwise have perished at sea or been driven back across international borders to uncertain fates. Since September 1979, the Indochinese refugee camp population has decreased from almost 347,000 to a January 1981 estimate of approximately 198,000. The committee notes, however, that the flow of refugees into the camps has recently increased, demonstrating once again the uncertainty of refugee situations.

As a result of the December 1979 Soviet invasion of Afghanistan, approximately 2 million Afghan refugees have fled to Pakistan. The fiscal year 1982 request of \$24,150,000 will be contributed to support the international assistance program in Pakistan, principally channeled through the UNHCR and the world food program.

The fiscal year 1982 request, for the first time, reflects the authorization for the United Nations Relief and Works Agency, created in 1948 to assist in meeting the needs of Palestinian refugees. This authorization has been transferred from the international organizations and programs account of the foreign assistance authorization. Since the program has been administered by the Department of State as part of the U.S. refugee program, its inclusion in the refugee program budget is desirable in the interests of efficient management of the program. The request of \$67 million for fiscal year 1982 will enable UNRWA to continue to play a major role in the stability of the region by relieving certain Middle Eastern nations of a substantial portion of the costs of health care, primary education, and housing for Palestinian refugees. The committee stresses, however, that it is not the intention of the Western nations to relieve Middle Eastern countries of the responsibility for assisting in funding UNRWA's activities. The committee expects greater efforts to be made to induce these nations, particularly the Organization of Petroleum Exporting Countries (OPEC), to contribute a large share of UNRWA's costs.

The committee notes that the continent with the largest population of refugees is Africa. Current estimates, which are rough at best, place

the total number of persons in Africa meeting the international definition of "refugee" at between 3 and 4 million. A unique feature of the African refugee situation is the agreement by most African nations that Africa bears the primary responsibility for its refugees. This policy is evidenced, by the willingness of 27 African nations to grant asylum to citizens of other African states. Consequently, the role of the international community in Africa has been one of providing financial assistance which enables the African nations to continue to provide asylum and eventual resettlement if necessary. The ultimate goal, of course, is to achieve political solutions which will permit the return of refugees to their homelands.

As a result of the critical needs on the African Continent, a conference sponsored by the Organization for African Unity (OAU) and the United Nations High Commissioner for Refugees (UNHCR) was held April 9-10, 1981, in Geneva. Approximately \$560 million in cash, food and in-kind assistance was pledged by 43 nations and the European Economic Community, of which \$285 million was pledged by the United States. The authorization request of \$77 million for fiscal year 1982 will fulfill part of this pledge. The remainder will be funded from available fiscal year 1981 funds and food assistance provided through the food-for-peace program, as well as projected fiscal year 1983 funds.

The committee has noted congressional support for the ICRC's program for assistance to and protection of political detainees. Therefore, the committee supports the administration's recent reprogramming of fiscal year 1981 funds in the amount of \$1.5 million for this purpose and recommends continued support for this program in the future.

#### *Section 103—Palestinian rights units*

This section provides for a reduction in the U.S. Government's payments of its fiscal year 1982 and 1983 assessed contribution to the United Nations by an amount equal to that portion of the contribution which would fund the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights. This will cause an approximate reduction of \$200,000 per year in the U.S. assessed contribution to the United Nations. The committee urges the Secretary of State to make every effort to resolve the difficulties produced by the continued funding of these activities through the U.N. budget process.

#### *Section 104—Ex gratia payment*

Section 104 provides that \$81,000 of the amount appropriated for fiscal year 1982 under the Administration of Foreign Affairs account be paid ex gratia to the Government of Yugoslavia for injuries sustained by a Yugoslav national as a result of an attack on him in New York in June 1977 while he was on assignment to the Yugoslav mission to the United Nations. The committee feels that such a payment would be a positive political gesture toward the Yugoslav Government.

#### *Section 105—Assistance for refugees settling in Israel*

Section 105 earmarks \$12,500,000 for fiscal year 1982 and \$15 million for fiscal year 1983 out of the Migration and Refugee Assistance

account for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

*Section 106—Bilateral science and technology agreements*

Section 106 authorizes \$3.7 million for each of the fiscal years 1982 and 1983 for the U.S. share of expenses for bilateral science and technology agreements with Yugoslavia and Poland.

The United States-Yugoslav agreement is a 5-year agreement begun in fiscal year 1980, which will be funded at \$1.7 million annually for the last 3 years of the agreement. The agreement provides for a United States-Yugoslav joint board on science and technology cooperation which initiates projects in the areas of technology, agriculture, ecology, health, transportation, and basic sciences. To date, 173 projects have been administered by 9 U.S. agencies. Sample subjects include earthquake study, rehabilitation of the handicapped, health problems of coal gasification, and improved animal feed.

The new proposed 5-year agreement with Poland funded at \$2 million annually, would continue ongoing valuable research efforts carried out by the United States-Poland joint board under an earlier agreement. Benefits have resulted from projects under that agreement in coal mining techniques, in coal liquefaction, teaching of mentally retarded children, prevention of heart disease, agriculture, and environmental protection.

*Section 107—Currency fluctuations*

Section 107 provides the means for the Secretary of State to maintain approved levels of activities under rapidly changing economic conditions. This section will provide budget authority for a buying power maintenance fund to offset losses in other appropriations due to adverse fluctuations in foreign currency exchange rates or other related overseas wage and price changes unanticipated in the budget. Gains in other appropriations due to favorable movements in exchange rates in overseas wage and price fluctuations would be transferred to this appropriation to offset future losses.

This fund is necessary to permit more efficient overseas operations for the Department of State. Foreign currency exchange rates and rates of inflation overseas are inherently volatile items and make accurate long-term budget formulation virtually impossible. In addition, the annual U.S. budget process is not sufficiently flexible to permit rapid alterations as a result of these factors. Consequently, the Department has often been forced to delay or cancel ongoing operations, which is not only disruptive, but often means an increase in costs when the program or operation is finally carried out. The buying power maintenance fund will be used to adjust for fluctuations in inflation and exchange rates from budgeted levels, so it is not a "slush fund" for new programs. This fund will thus isolate real program changes from the impact of fluctuations in exchange rates, wages, and prices.

Section 107 also clarifies provisions of law enacted in 1979 to insure authorization of the amount of appropriations necessary to offset the adverse fluctuations in foreign currency exchange rates in order to maintain the authorized level of expenditures approved by Congress for the Department of State, the International Communication Agency, and the Board for International Broadcasting.

The section provides for an effective date of October 1, 1981.

*Section 108—Passport fees and period of validity*

Section 108 would permit the Secretary of State to determine execution and issuance fees for U.S. passports. It would eliminate the statutory issuance fee of \$10 and would provide flexibility in adjusting passport issuance as well as application fees. It would thus permit the Secretary of State to apply the same kind of process in determining passport fees as is applied to consular and other fees, in accordance with the user charge policy and standards set out in 31 U.S.C. 483a.

This section would also extend the duration of passport validity from the present 5-year period to a 10-year period from the date of issuance. In addition, it would permit the Secretary of State to establish a shorter period either in a particular case or on a general basis pursuant to regulation. This will provide flexibility to deal with particular categories of cases which require that the period of passport validity be less than 10 years (such as in the case of children whose appearance may change greatly over a 10-year period).

This section provides that the 10-year period of validity provision would apply to passports issued after the date of enactment of this act. Thus, current passports would not be affected by this change. The committee notes that this provision will provide new and increased revenue to the Government and will also save money by cutting down the number of passports which will have to be issued.

*Section 109—Documentation of citizenship*

Section 109 provides that passports and the reports designated as "Report of Birth Abroad of a Citizen of the United States" shall be considered evidence of U.S. citizenship in the same manner as are certificates of naturalization or citizenship. The committee notes that this change will correct an inconsistency in the law which has created serious problems over the years for Americans who were born or who have lived overseas. This change constitutes a recognition of the importance of passports and of reports of birth abroad as common travel documents.

*Section 110—Pan American Institute of Geography and History*

Section 110 deletes the \$200,000 annual limitation on the U.S. contribution to the Pan American Institute of Geography and History (PAIGH). The current level of the U.S. assessed share of contributions is \$274,005 which has been the assessment since 1979. This provision would permit the United States to pay the difference between past assessment (\$140,010 cumulative arrearages for 1979 and 1980) and the \$200,000 limitation.

The United States has been a member of the PAIGH since 1935. A specialized organization of the OAS, it promotes, coordinates, and carries out scientific and historical research and transmits the results to government agencies and scientific groups in member countries.

In the United States, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Ocean Survey, the Geological Survey, the Bureau of the Census, the Defense Mapping Agency, and the Department of Defense, through its Inter-American Geodetic Survey, as well as numerous

private groups and universities, have participated in the activities of the Institute.

Through participation in PAIGH, the United States frequently receives scientific and technical data that would be difficult to obtain on a bilateral basis. These data help solve problems in such diverse fields as transportation, national defense, agriculture, and telecommunications. For example, PAIGH programs include the preparation of standards for a geomorphological map of the Americas which will be available to member countries, and the updating of annotated indexes of aerial photographic work and topographic and natural resource maps.

*Section 111—International Institute for the Unification of Private Law and the Hague Conference on Private International Law*

Section 111 would provide legal authority for the United States to pay arrearages in its assessments for 1979 and 1980 and will permit full payment of anticipated assessments in 1981 and beyond. The fiscal year 1982 estimated assessment for the International Institute for the Unification of Private Law is \$50,000. The estimated fiscal 1982 assessment for the Hague Conference on Private International Law is \$77,100.

The purpose of the International Institute for the Unification of Private Law and the Hague Conference on Private International Law is to harmonize private law in different countries. The principal methods are the preparation of draft uniform rules of substantive law and encouragement of adoption of such uniform laws by as many countries as possible. Because difficulties arising out of conflicting laws are especially likely to arise from international sales transactions and international travel, many of the uniform laws adopted by the Institute have been in those fields.

These drafts are of substantial importance to the United States since the rules in these conventions could, in a number of circumstances, constitute the law to be applied arising out of contracts concluded by American citizens with citizens of countries in which the laws are enforced. The Institute is currently working on a convention for the protection of the bona fide purchaser of international sales transactions and a convention dealing with the responsibility of hotel-keepers. In addition, the Institute is presently preparing a draft convention concerning equipment leasing in international transactions and preliminary studies regarding international factoring.

U.S. membership in the Institute provides an opportunity for participation in the development of uniform laws relating to private law that may affect U.S. Government interests and the interests of U.S. citizens residing or doing business or owning property abroad. In particular, it enables the United States to insure that such laws are fair, that limits of liability are sufficiently high to afford meaningful protection to American citizens, and that concepts of the American legal system are given appropriate recognition in the formulation of uniform laws.

The Hague Conference on Private International Law enables the United States to participate in the shaping of international conventions and entitles U.S. citizens to benefit from improved procedures

from international judicial cooperation which would clarify and protect their rights when they are involved in cases requiring applications of rules of private international law. Two procedural conventions adopted since the United States joined the organization illustrate the first point. Both embody a number of principles of U.S. law and will result in other countries changing their policies of international judicial cooperation in the direction of the generous policy of assistance to foreign and international tribunals embodied in 28 U.S.C. 1782. The Convention on the Service Abroad of Judicial and Extrajudicial Documents permits American litigants to effect the service abroad of judicial and other documents in 15 other countries. The Convention on Taking of Evidence Abroad in Civil or Commercial Matters, which entered into force for the United States in October 1972, enables U.S. lawyers and their clients to obtain evidence abroad in a form suitable for introduction in U.S. courts. The Conference is currently taking up a Convention on International Child Abduction, a subject of great interest to the United States.

*Section 112—Pan American Railway Congress*

Section 112 would provide legal authority for the United States to pay its 1981 assessment and to meet future assessments, for its participation in the Pan American Railway Congress, by lifting the existing \$15,000 ceiling on U.S. annual contributions. The estimated fiscal 1982 assessment is \$22,500. This increase is the first such increase since the quota was raised to \$15,000 in 1971. The committee notes that no program growth is projected. The increase covers salary and price increases due to the effects of inflation.

The objectives of the Pan American Railway Congress Association (PARCA) include promotion of the development of railroads in the Western Hemisphere through the exchange of technical information in standardization of railway procedures and equipment whenever possible. PARCA is a semiofficial organization whose members include representatives from government and private industries; as such it is unique among organizations of the inter-American system. The Association promotes contacts among railroads from North and South America through the publication of its Spanish language magazine, the Bulletin, and through its conferences.

*Section 113—U.S. Representative to International Organizations in Vienna*

Section 113 amends the U.N. Participation Act to enable the United States to combine the direction and management of its offices in Vienna into one mission, thereby contributing to the efficiency of U.S. representation to those organizations. The committee notes that the United States currently has representation in two units of the U.N. Secretariat, in New York and Geneva, the International Atomic Energy Agency, and the U.N. Relief and Works Agency. Other U.N. organizations in Vienna include the U.N. Industrial Development Organization, the U.N. Fund for Drug Abuse Control, the Center for International Trade Law, and the Center for Social Development and Humanitarian Affairs. The committee wishes to stress that the intent of this authority is to permit more effective representation of the United States in these organizations, not to encourage an increase in a number of U.S. ambas-

23

sadorial positions. Consistent with that intent, the committee notes the receipt of the following letter from Hon. Richard Fairbanks, Assistant Secretary of State for Congressional Relations, describing the Department's intent with respect to this authority :

DEPARTMENT OF STATE,  
Washington, D.C., April 1, 1981.

HON. DANTE B. FASCELL,  
*Chairman, Subcommittee on International Operations, Committee on Foreign Affairs, House of Representatives.*

DEAR MR. CHAIRMAN: We understand that you are interested in how the proposed mission in Vienna would work if the Congress were to approve our requested amendment to the UN Participation Act.

Presently resident in Vienna is Ambassador Roger Kirk who is accredited to the International Atomic Energy Agency and separately to the United Nations Industrial Development Organization. He also directs U.S. relations with the other United Nations bodies which have recently moved to Vienna, for example, the Division of Narcotic Drugs, the International Narcotics Control Board, the UN Fund for Drug Abuse Control, the Social Affairs Division of the United Nations, the International Trade Law Branch and the Center for Social Development and Humanitarian Affairs. What we have in mind is to formalize the de facto relationship that presently exists by designating Ambassador Kirk to be the Representative of the United States at the Vienna Office of the United Nations, much the same as Ambassador Helman is the Representative of the United States to the Geneva-based UN organizations. We believe that by placing all of U.S. relations with United Nations organizations in Vienna under the control of a single Ambassador, we shall be able to achieve economies of scale that will allow the United States to carry on considerably expanded functions in Vienna without an increase in personnel. There will be no increase in the number of U.S. ambassadors as the present Resident Ambassador to the IAEA would become in addition the U.S. Representative to other United Nations organizations in Vienna.

Sincerely,

RICHARD FAIRBANKS,  
*Assistant Secretary,  
for Congressional Relations.*

*Section 114—Living quarters for the staff of the U.S. Representative to the United Nations*

Section 114 amends the United Nations Participation Act of 1945 to authorize the lease or rental of living quarters for use by the staff of the U.S. Representative to the United Nations. This amendment is necessary to: (1) Cope effectively with the housing market; (2) take advantage of the rent increase limitation imposed by the New York City Rent Stabilization Code; and (3) eliminate substantial, personal out-of-pocket expenses and insure that economic hardship does not adversely affect the ability to attract the best qualified individuals for service at the U.S. Mission to the United Nations. To reduce expenditures of appropriated funds, the payments made by employees to occupy these living quarters would be credited to the appropriate



account from which the apartment lease or rental is financed. This authority will permit more efficient use of funds by the Department of State.

*Section 115—Amendments correcting printing errors*

Section 115 merely corrects two minor printing errors in the Foreign Service Act of 1980.

*Section 116—Private sector representatives on U.S. delegations to international telecommunications meetings and conferences*

Section 116 exempts from certain provisions of the Ethics in Government Act, private sector representatives who are asked to serve on U.S. delegations to certain international telecommunications meetings and conferences. Under certain circumstances, the United States finds it useful and desirable to include representatives of the communications sector on official U.S. delegations to international meetings of such organizations as the International Telecommunications Union. An important example of such a meeting was the 1979 World Administrative Radio Conference, at which the contribution of private sector representatives was invaluable. Not only do these people provide needed technical expertise, but the decisions made at the international level in the area of communications are of direct concern to the U.S. private sector. However, without the exemption provided by this section, private sector representatives on such delegations, who are considered "special government employees" for this limited purpose, might be subject to criminal prosecution if they return to their private sector jobs after having served the Government. This broad exemption is desirable because of the significant number of telecommunications meetings and conferences scheduled during the next decade. The Secretary of State will, in all cases, certify the need for private sector participation and will also determine which conferences require participation by the private sector for purposes of implementing this provision.

*Section 117—Procurement contracts*

Section 117 authorizes the Department of State, under certain circumstances, to enter into contracts for property and services on a multiyear basis, for a period not to exceed 5 years, subject to the availability of appropriations. It is similar to the authority provided for the International Communication Agency in section 203(b), *infra*. This provision should create significant cost savings to the Department and represents a more efficient use of resources.

*Section 118—Compensation for disability or death*

Section 118 would exempt the Department of State from paying Federal workmen's compensation insurance for employees working under short-term contracts for the Department or the Foreign Service overseas. This will permit the use of local workmen's compensation plans, which currently cover such employees. The authority is described in more detail in section 203(f), *infra*.

*Section 119—Regulation of foreign missions*

Section 119, the "Foreign Missions" provision, amends the State Department Basic Authorities Act of 1956 by adding a new title II



which establishes basic policies, and grants to the Secretary of State basic authorities concerning the activities and operations of foreign missions in the United States.

This new title is designed to provide a means to remedy a serious and growing imbalance between the treatment accorded by many countries to official missions of the United States abroad, and that accorded to foreign government missions in the United States. The Department of States does not currently possess authority to enforce reciprocity in an appropriate and effective manner, while other nations use devices, often called Diplomatic Service Bureaus, to provide services to the diplomatic community and to prevent or control direct contact by diplomats with individual service organizations.

Such bureaus perform many functions in the areas of housing, personnel, and the procurement of goods and services—even the provision of tickets for cultural and athletic performances. In the Soviet Union, all services to the diplomatic community are controlled through a service bureau. Many service bureaus even provide any foreign national hires which the diplomatic community may require—under contract to the bureau and at a pay rate set by the bureau. Each bureau is controlled by its Ministry of Foreign Affairs.

The problems caused by such controls, and by other foreign government policies, are many. In an increasing number of countries, for example, the United States is denied suitable locations for U.S. missions or long-term rights to property or facilities, often resulting in diminished security, excessive or discriminatory costs, or inadequate facilities which significantly reduce the effectiveness of the missions.

In the Soviet Union and Eastern European countries, the U.S. Government is barred from purchasing office and residential properties and is required to obtain all facilities and service through government-controlled sources. In many cases, these are either inadequate, excessively costly, or both, or they may be arbitrarily denied. On the other hand, in the United States, these governments are allowed to purchase both types of property in Washington, D.C. All own either office or residential space. Indeed, the Soviet Union is much farther along in building a new embassy complex in Washington, because they have been able to use private U.S. contractors to do the work. Phase 1 of the project, including living quarters, recreational facilities, a school, and medical building, is nearly complete. In Moscow, the U.S. Embassy complex foundation has almost been completed. Close U.S. supervision is required, while delays and harassment commonly accompany the work, so that completion of the project is at least 4 years away.

In Kuwait, Bahrain, and the United Arab Emirates, the United States is allowed to purchase badly needed staff housing sites which would permit residential construction and elimination of exorbitant short-term lease charges. Yet these same governments own residential units in the U.S. capital area.

In Algeria, a prior expropriation of U.S. property remains unsettled. Present facilities used by the United States are completely inadequate. Efforts to secure long-term office and residential properties have been notably unsuccessful.

In Indonesia, the Government has decreed that the U.S. Government may no longer own its more than 20 properties and is now in the

process of converting these to long-term leaseholds. The new ground-rents will be considerable. Indonesia, of course, is free to buy, lease and sell property in the United States.

In the Soviet Union, diplomats are charged much higher rates for hotel rooms than are other foreign citizens or Soviet citizens. In some cases, charges have been as high as 10 times the normal rate. In addition, a "fee" equal to 1 night's lodging is charged to diplomats, but not to tourists or Soviet citizens, for holding hotel reservations, which are always difficult to obtain anyway due to the shortage of hotel rooms. Regardless of the duration of stay, a diplomat is thus obliged to pay for 1 extra day of lodging.

In Chile, staff personnel are not permitted to sell imported cars unless they pay import duties. In Venezuela, these employees are restricted to Venezuelan-made cars. Thus, a communicator who brings into Chile an American car on a 2-year assignment and is then re-assigned to Venezuela is faced with two problems. He cannot sell his American car in Chile and cannot import it into Venezuela.

In many areas of the world, both the U.S. Government and its employees encounter serious inequities regarding the import or export of privately owned vehicles and other personal effects. Nonetheless, employees of these governments' foreign missions in the United States do not face these restrictions. Problems exist, for example, in Mexico, Venezuela, Singapore, Guatemala, and at many embassies in the Near East. At the same time, these countries' missions in the United States are allowed to acquire property and goods freely, are exempt from customs duties and local taxes, and may obtain benefits and public services, often without limitation.

The problem of taxation of diplomatic personnel has been particularly vexing. For example, although the Vienna Conventions on Diplomatic Relations and on Consular Relations extend to noncommissioned diplomatic and consular personnel assigned abroad certain protections from host government customs duties and local taxes, many host governments deny such exemptions at considerable extra expense to Foreign Service members. Since many of these people are at the lower end of the Foreign Service pay scale, this adds yet another burden to overseas service.

In Chile and Malta, the U.S. Embassy is not exempt from the payment of a gasoline tax of 48 cents and 25 cents per gallon, respectively. In Yugoslavia, the U.S. Embassy is required to pay a 27.5-percent tax on heating oil.

A number of countries also require a transaction tax on certain construction materials. One example is Portugal, where the imposition of this tax may greatly increase the cost of the new Embassy being constructed in Lisbon. In New Delhi, all Embassy administrative, support, and specialized staff such as Library of Congress personnel do not receive duty-free import privileges and are not exempt from customs inspection and the imposition of certain taxes, despite their performance of official functions for the United States.

In most cases, the Department of State lacks authority to impose similar restrictions or conditions on such countries in the United States. Instead, it can only take more extreme action such as barring the mission concerned from using property it may acquire denying

all tax privileges to a diplomat, or declaring some persons *persona non grata*. These remedies constitute a form of overkill and are not appropriate for many situations, so they are rarely used.

The new foreign missions title would remedy this situation by providing the Secretary of State with additional authority and the means to enforce reciprocity in a manner appropriate to the specific problem—to “make the punishment fit the crime.” The establishment of such an Office of Foreign Missions builds on the successful experience of other countries. It permits the flexibility essential to the changing requirements of reciprocity. It is the committee’s hope that enactment will result in improved reciprocity and an end to unreasonable restraints on foreign missions here and abroad.

Section 119 specifically provides a mechanism whereby the operations of foreign missions in the United States and the benefits available to them from Federal, State, and local authorities, public utilities, and private persons may be reviewed and, if necessary, regulated through a central authority. In this way, the conditions under which foreign missions operate in the United States can be made to reflect the conditions under which missions of the United States are required to operate in the countries represented by such foreign missions. As a result, the foreign governments and entities represented by missions in the United States will have an incentive to provide fair, equitable, and nondiscriminatory treatment to U.S. missions and personnel in their territories. This, in turn, will contribute to significant savings in the costs of operating U.S. missions overseas, improved morale and working conditions for U.S. personnel, and mutual respect in U.S. bilateral and multilateral relations. These new authorities may also be applied to international organizations to a limited extent where necessary to give effect to the policy of this legislation.

These new authorities will also enhance the ability of the United States to assist foreign missions in obtaining benefits to which they are entitled under appropriate international treaties and bilateral agreements. It is the committee’s hope that many obstacles will now be removed which have in the past hindered the Department of State in responding effectively to the needs of foreign missions.

Foreign mission activities in the United States are presently regulated in significant ways by treaties and other international obligations of the United States, such as the 1961 Vienna Convention on Diplomatic Relations. Certain mission activities are now subject to domestic regulation under existing Federal laws such as the 1978 Diplomatic Relations Act and the 1976 Foreign Sovereign Immunities Act. Foreign missions and their personnel are admitted into the United States only with the approval of the U.S. Government, and may be required at any time to depart the United States.

Thus, foreign missions and their personnel do not possess the status of private persons or organizations within the United States. In some cases their rights may be greater, and in some cases more limited.

The privileges of entry into the United States, and the authority to conduct activities in the United States, which clearly may be withheld altogether, will be subject to a wide range of conditions under the proposed legislation. Such regulation of foreign missions is squarely within the foreign relations power of the United States and, therefore, a proper subject for federal legislation.

The committee notes that, while this title is replete with discretionary authorities, they are intended to provide the flexibility, which the Department of State has not heretofore possessed, to enable the Secretary to decide which sanction or other response is most appropriate to solve a specific problem. These authorities are not to be used as an excuse for ignoring a problem for fear of affecting U.S. bilateral relations adversely. That consideration certainly never enters into the discriminatory treatment accorded the United States by certain other countries. The committee therefore expects the Secretary of State, acting through this Office of Foreign Missions, to use these authorities meaningfully and effectively. In this way, the United States will make it abundantly clear that it views seriously the international obligations of all states.

The committee also notes that this legislation is not intended to affect those protective services provided to the diplomatic community by the United States, including those provided by the U.S. Secret Service under the authority of section 202 of title 3, U.S. Code, with respect to foreign diplomatic missions, or under section 3056 of title 18, U.S. Code, with respect to a visiting head of a foreign state or government or certain distinguished foreign visitors. It is not the intention of this legislation to change in any way the authority or procedures of the U.S. Secret Service, nor to affect the basic policy of providing protection at a level which is commensurate with the need.

Section 119(a) designates the existing provisions of the State Department Basic Authorities Act of 1956 as "Title I—Basic Authorities Generally."

Section 119(b) provides for a new title II of that act to be designated "Authorities Relating to the Regulation of Foreign Missions." The remainder of section 119(b) contains the extent of the new title II, which consists of 12 sections:

*Section 201—Declaration of findings and policy*

Section 201 sets forth congressional findings and policies concerning the operations, activities, and obligations of foreign missions in the United States, and the international legal obligation of nations to provide assistance to missions within their territories.

Section 201(a) restates the established jurisdiction of the Federal Government over the operation in the United States of foreign missions and public international organizations and official missions to such organizations. Many aspects of the operations of such missions and organizations are already governed by Federal law, including the Diplomatic Relations Act (22 U.S.C. 254a-254c) and the foreign missions title represents a further exercise of Federal jurisdiction in this regard.

Section 201(b) enunciates U.S. policy to support and facilitate the secure and efficient operation of U.S. missions abroad and of foreign missions and international organizations in the United States. It further declares U.S. policy to assist in obtaining appropriate benefits, privileges, and immunities for foreign missions and international organizations in the United States and to require them to observe corresponding obligations in accordance with international law. These statements do not represent a new policy. Rather, they reflect the pur-

pose of this provision to improve the ability of the Secretary of State to give effect to existing policy.

Section 201(c) mandates the consideration of benefits, privileges, and immunities accorded to U.S. missions abroad in determining the assistance to be accorded to foreign missions in the United States in the specific application of the general policy enunciated in subsection (b). This element is reciprocity, while not necessarily determinative in all cases, is a key feature of the system envisioned by the foreign missions provision. The concept requires the Secretary of State to be cognizant of the treatment of U.S. missions and personnel in foreign countries and to take that treatment into account in determining how foreign missions are to be treated in the United States.

#### *Section 202—Definitions*

Section 202 defines terms used in the foreign missions title and specifies the role of the Secretary of State in determining their interpretation and applicability.

Subsection 202(a)(1) defines "benefit" to a foreign mission as any acquisition or authorization for an acquisition in the United States by or for a foreign mission, including such benefits as real property, public services, supplies, including maintenance and transportation, local staff, travel and related services, and protective services. The committee stresses that this enumeration is merely illustrative and not exhaustive. In fact, this provision explicitly grants the Secretary of State authority to designate what constitutes a "benefit" for purposes of this title. The committee notes that the term "utility" should be broadly construed to include gas, electricity, oil, telephone, trash disposal, water and sewer services, and the like.

Section 202(a)(2) defines a "chancery" as the principal offices of a foreign mission used for diplomatic or related purposes (e.g., consular functions), as well as annexes, ancillary offices, support facilities, and any building site for such purposes. This means, for example, that residences, recreational facilities, and warehouses acquired by a foreign mission would not be included in the term "chancery." It is intended that the term be construed to include only those structures, facilities, and sites used by a foreign mission to conduct its business in the United States.

Section 202(a)(3) defines "Director" as the Director of the Office of Foreign Missions in the Department of State. That office is established under section 203(a) below.

Section 202(a)(4) defines a "foreign mission" as any official mission to the United States involving diplomatic, consular, or other governmental activities of a foreign government or another foreign organization (other than an international organization) which has been granted privileges and immunities under U.S. law. In addition to traditional diplomatic and consular establishments, this term includes such special missions as that of the Commission of the European Communities and diplomatic liaison offices which have been granted privileges and immunities pursuant to special legislation (22 U.S.C. 288h). It could also be applicable to state trading organizations operated by some governments, to the extent that the trading organization performs governmental functions. The term includes both the personnel and property of the mission.

Section 202(a)(5) defines the term "real property" to include any right, title, or interest in or to, or the beneficial use of, any real property in the United States. This would include situations where property has been acquired, for example, by a separate corporation controlled by a foreign mission, or by an organization which intends to make such property available for activities of a foreign mission. The term not only includes rights acquired by purchase, but also interests acquired by lease.

Section 202(a)(6) defines "Secretary" to mean the Secretary of State.

Section 202(a)(7) defines "sending state" as the foreign government, territory, or political entity represented by a foreign mission. This is the term commonly used in international agreements concerning foreign missions, such as the 1961 Vienna Convention on Diplomatic Relations (23 U.S.T. 3227, TIAS 7502) and the 1963 Vienna Convention on Consular Relations (21 U.S.T. 77, TIAS 6820).

Section 202(a)(8) defines "United States" to mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. This definition outlines the geographic application of the provision to make clear that it is intended to cover foreign missions situated in any such location and activities carried out in any such location.

Section 202(b) commits the interpretation and application of the terms defined in subsection (a) to the discretion of the Secretary of State. The provision is intended to avoid conflicting interpretations by different government agencies and courts and potential litigation that might detract from the efficient implementation of this title or might adversely affect the management of foreign affairs. A determination, for example, as to what constitutes diplomatic, consular, or related official activity, may affect similar determinations by foreign states concerning functions of U.S. missions abroad. Such determinations might also affect implementation of multilateral treaties. Accordingly, they should not be left open to diverse interpretations under the foreign missions title.

#### *Section 203—Office of Foreign Missions*

Section 203 provides for establishment of a new office in the Department of State to administer the foreign missions provisions.

Section 203(a) directs the Secretary of State to establish the Office of Foreign Missions as an "independent office" in the Department of State. This Office is to be headed by a Director appointed by the Secretary, who will perform under the Secretary's supervision and direction. The Secretary is prohibited from delegating supervisory authority over the Director to any official below the rank of Under Secretary.

This organizational structure seeks to reconcile two competing policy interests. On the one hand, regulation of the operation of foreign missions in the United States is an important aspect of the conduct of foreign affairs and should be directly under the supervision of the Secretary of State. On the other hand, this responsibility should not be imposed on the operating bureaus in the State Department which deal with foreign missions on substantive issues on a day-to-day basis. These concerns will be met effectively by placing responsi-

bility in the State Department and, at the same time, precluding its exercise by the operating bureaus.

This new Office will also relieve the Office of Protocol of its often-conflicting responsibilities *vis-à-vis* foreign missions in the United States, and will enable it to discharge its proper responsibilities more efficiently and effectively. The committee expects, in particular, that certain responsibilities will be moved from the Office of Protocol to the Office of Foreign Missions, including such matters as: (1) The determination of eligibility and issuance of credentials of diplomatic, consular, and other foreign government officers and employees with respect to rights, privileges, and immunities; (2) advising and acting as liaison to State and local government authorities on diplomatic privileges and immunities and related matters; (3) providing certifications of the immunity status of individuals for use in court cases; (4) requesting waiver of immunity in appropriate cases; (5) assisting in the negotiations of consular conventions and other treaties and agreements involving rights, privileges, and immunities of foreign government missions and personnel; and (6) providing advice and assistance to diplomatic missions.

In certain areas, the Secretary may find it appropriate to permit sharing of responsibilities between the two Offices, but the committee expects the new Office to resolve the inherent conflict between protocol duties and those duties involving regulation of foreign mission activities. Appropriate liaison between the offices should assure that conflicts are minimized.

Section 203(b) identifies the major responsibilities that the Secretary may delegate to the Director, and authorizes the Secretary to assign other functions to the Director as the Secretary may determine necessary in furtherance of the policy of the foreign missions provision. The two specific responsibilities of the Director identified in this subsection are those of assisting Federal, State, and municipal agencies in ascertaining and according benefits, privileges, and immunities to foreign missions, and of providing or assisting in the provision of benefits to foreign missions. The manner of such assistance is dealt with in section 204 below.

#### *Section 204—Provision of benefits*

Section 204 contains the key provisions empowering the Secretary of State to implement the policy of the foreign missions provision by setting terms and conditions upon which benefits may be provided for any foreign mission. Additional specific authority to impose conditions on or to regulate the acquisition or use of real property is set forth in section 205 below. The committee does not intend either section to limit the authorities granted in the other.

Section 204(a) specifically provides authority for the Director to assist foreign missions, at their request, to obtain benefits. The Secretary of State may approve terms and conditions for such benefits.

The committee notes that this authority is intended both to enable the United States to exercise more effective control over the granting of privileges, immunities, and other benefits to foreign missions and to enhance the ability of foreign missions to conduct their representational duties in the United States.



Section 204(b) authorizes the Secretary to require a foreign mission to comply with such terms as the Secretary may establish in order to obtain or utilize any benefits or to take certain other actions. Alternatively, this subsection empowers the Secretary to require a foreign mission to obtain benefits from or through the Office of Foreign Missions. The Secretary is authorized to impose substantive and procedural constraints on the basis of reciprocity or otherwise, in accordance with the criteria set forth in paragraphs (1) through (4) of this subsection. These criteria include such matters as facilitating U.S. diplomatic relations, protecting the interests of the United States, assisting in the resolution of disputes affecting U.S. interests, or adjusting for costs and procedures imposed on missions of the United States abroad.

The committee notes that flexibility is desirable and necessary in the operation of this Office. Therefore, the committee has not mandated the concept of a quid pro quo for each individual case. Nevertheless, the committee stresses its intent that the new Office of Foreign Missions recognize and utilize the concept of reciprocity effectively.

Section 204(c) sets forth certain conditions which the Secretary may impose on foreign missions in order for them to obtain benefits. Section 204(c) (1) provides that a requirement may be imposed for a surcharge to be paid to the Director by a foreign mission for the receipt of any specified benefit, regardless from whom the benefit is obtained. This provision will enable the United States to adjust for the often arbitrary imposition of costs overseas, or to provide leverage in cases where exact reciprocity may not be available, or may be insufficient to induce appropriate treatment of U.S. interests abroad. The surcharge would be paid directly to the Office of Foreign Missions, over and above any other costs or conditions set by any contractor or other party with whom the foreign mission is involved in acquiring the benefit in question. Payment of the surcharge would be a condition precedent for the mission to be allowed to obtain or retain specified benefits from private or public sources. Thus, there would generally not be any direct effect on the terms or conditions set in private contracts or by persons providing benefits to such missions.

Section 204(c) (2) provides for a waiver of recourse by a foreign mission generally against any governmental authority, entity providing public services, or other person in connection with any action (including an omission) determined by the Secretary to be in furtherance of the purposes of the title. In the absence of such a provision, public agency officials, private party contractors, or persons acting for publicly regulated utilities, among others, could be exposed to suits challenging their authority to carry out such actions, or to suits for damages for complying with a requirement of the Secretary under the foreign missions title. Section 208(b), discussed below, provides further protection against suit in this regard.

Section 204(d) provides that the Secretary may designate the Director of the Office of Foreign Missions, or any other officer of the Department of State, as the agent of a foreign mission for the purpose of executing the required waiver. This authority is necessary to assure that the U.S. person acting in response to the Secretary's direction will not incur liability to a foreign mission.



*Section 205—Property of foreign missions*

Section 205 recognizes that the location and use of foreign missions facilities in the United States and the process by which those facilities in the United States and the process by which those facilities are obtained, clearly affect the Federal interest, and have a direct impact on the security and adequacy of treatment of U.S. missions abroad.

Section 205(a)(1) authorizes the Secretary to require, in those cases in which he finds it appropriate, that a foreign mission provide notice prior to any acquisition, alteration, sale, or other disposition of any real property (as defined in sec. 202(a)(5)). The notice requirement could cover any beneficial usage of property, regardless of the means by which such right of usage is acquired, or whether acquired by the mission directly or by an employee or agent thereof, or by a third party. The Secretary then has 60 days within which to disapprove the proposed action and may establish conditions which, if met, will remove the disapproval. The Secretary may, in his discretion, shorten the 60-day period.

This procedure predates any further approvals which may be necessary from State or municipal authorities regarding zoning and related matters. The committee notes that this review procedure will be useful to State and municipal authorities as an additional indication of the acceptability of the proposed action. In view of the significant Federal interest involved, section 206 further governs the process by which location approvals are made in the Nation's capital.

Section 205(a)(2) defines acquisition for purposes of the section to include any action relating to real property such as acquisitions, alterations, additions, or changes in the purpose for which the property is used.

Section 205(b) authorizes the Secretary to restrict a foreign mission from using, or retaining, real property interests which are not acquired in accordance with this section, or which exceed limitations placed on real property available to the United States abroad. This subsection, together with section 204, is designed to provide necessary discretion for the Secretary to adjust enforcement provisions in order to take into account the many differing legal and political systems in other countries, as well as the necessary flexibility to take into account treatment accorded U.S. missions and personnel on related bilateral issues. In many countries, for example, foreign governments are not able to acquire title to property. The United States in such a case could obtain sufficient long-term lease rights for U.S. mission facilities in exchange for permitting the acquisition of property in the United States. Alternatively, the Secretary could require a foreign mission to limit its property interests in the United States to a specific term of years, or in some cases provide a right of reversion to the United States of such property, in the event that U.S. property rights or interests in the sending state were reduced or rendered less effective by acts or omissions of that state.

The committee wishes to stress in the strongest possible terms that, in its view, the United States should seriously consider a blanket prohibition on the ownership of real property in the United States by any foreign mission whose country prohibits U.S. ownership of property. If the United States has no choice but to pay the higher costs

of long-term or short-term leaseholds overseas because it is prohibited from purchasing property, the committee believes that the same treatment should certainly be reciprocated. Such a prohibition should apply to property owned on the date of enactment of this foreign missions title, as well as to future acquisitions.

The enforcement provisions of this section which may be applied against the foreign mission include the divesting of property or foregoing use of the property. The inclusion of specific enforcement provisions in this section, as compared with the general authority to impose conditions on foreign governments under section 204, is intended to assure that State and local real property laws not be construed to accord procedural or substantive rights which preclude implementation of the foreign missions title.

Section 205(c) is designed to assure that the Federal Government will be able to protect and preserve property of foreign governments under circumstances when a protecting power or other agent does not assume responsibility. In addition, this subsection authorizes the Secretary to dispose of such property after the expiration of a 1-year period from the date such foreign mission has ceased using the property for official activities. The right of disposition is intended to be exercised only in unusual cases where resumption of official activities is not likely to occur within a reasonable period of time, or where, for other reasons, the Secretary determines that it is not in the Federal interest to continue to preserve such property. Considerations such as the status of U.S. property interests in the country involved might also enter into such determinations.

#### *Section 206—Location of foreign missions*

Section 206 provides that issues concerning the location of foreign missions in the District of Columbia will be settled by the National Capital Planning Commission (NCPC), on which Federal, city, and citizen interests are represented. The procedures set forth in this section insure that all interested parties will be involved in the decision-making process, and that a proper balancing of interests will occur. The committee recognizes the concerns which have been expressed regarding the peculiar impact that foreign chanceries have on the District of Columbia. The committee has sought to provide procedures in this legislation which will allow this impact to be fully considered, and will provide for significant District participation, in the decision-making process regarding the location of foreign chanceries, consistent with the important Federal interests involved.

Section 206(a) recognizes that the location of foreign missions in the Nation's capital, and the procedures involved in determining these locations, have a substantial impact on Federal interests both in the United States and abroad. International legal obligations requiring each country to provide adequate facilities for accredited foreign missions in the capital city of the host country are not subject to negotiation by the acts or omissions of local authorities.

Furthermore, national security issues are often involved both in the United States and overseas, so a procedure wherein the Federal interest is properly balanced with community impact is an important element of this title. This subsection therefore places the authority to deter-

mine the location of foreign missions in the capital with the National Capital Planning Commissions (NCP), which under present law already has statutory authority to plan for such locations. The subsection applies only to that real property of a foreign mission which is used by the mission to carry out diplomatic, consular, or other governmental activities of the foreign mission. Real property which is held by a foreign mission, but is not used for the above-stated purposes, such as commercial holdings, would not be subject to the requirements of this section.

Section 206(b) sets forth the criteria upon which determinations will be made concerning location and use of property for chanceries or related purposes. The subsection requires that rulemaking procedures under 5 U.S.C. 553 (the Administrative Procedures Act) will be applicable to such determinations. Among other things, this insures notice and opportunity to be heard.

Sections 206(b) (1) through (7) set forth the criteria applicable to chanceries and chancery annexes which are intended to balance Federal and municipal interests. The criteria take into account the Federal interest, which involves international obligations of the United States and the accompanying security requirements involved, as well as concern for the impact on local matters such as transportation, housing, and environment. These criteria also recognize, in section 206(b) (2), the need to continue to locate such missions in existing mixed-use areas, in which current uses already include institutions, commercial, or governmental activities, as well as residential uses. The obligation to provide security for foreign missions dictates the need to locate these missions in proximity to each other and in areas of lesser density. Areas in which current uses are entirely residential would not be affected except for medium- or high-density apartment zones. This takes into account the fact that downtown commercial office facilities often are not acceptable except for temporary use, because of overriding security factors and the inherent inappropriateness of such buildings for the important representational activities undertaken by foreign government missions to the United States.

Section 206(b) (3) assures the continuity of application of historical preservation measures to facilities of foreign missions under regulations to be issued by the NCP.

Sections 206(b) (4) through (6) relate to transit, parking, public facilities and services, and special security requirements. Section 206(b) (7) factors the municipal interest into the decisionmaking process.

Finally the Commission is required to apply the criteria of Federal and municipal interests, historical preservation, and adequacy of protection to other property uses, such as residential uses by foreign governments.

Section 206(c) is intended to assure a balance of the Federal and municipal interests in the decisionmaking process by providing that substantial weight shall be given to determinations by the Secretary of State regarding the Federal interest, and determinations by the Mayor of the District of Columbia regarding the municipal interest.

Section 206(d) is intended to assure the establishment of an expeditious process, within the National Capital Planning Commission,

which will avoid the extensive and overlapping proceedings which are required under existing law and regulations. Such procedures currently preclude the timely resolution of issues involving the location of foreign missions, and virtually insure that the Federal interest in providing adequate facilities for foreign missions will be frustrated. The committee feels that a time limit of 5 months is sufficient time to complete the decisionmaking process, although it expects that decisions will, to the extent possible, be made in a shorter period.

*Section 207—Preemption*

Section 207 declares the preemptive effect of the exercise of Federal jurisdiction with regard to the conferring or denying of benefits (including the location or use of real property) which are regulated by this title. The exercise of Federal jurisdiction embodied in section 206 and the other applicable provisions of this title preempts the application of any other provision of law, to the extent that such other law is inconsistent. The committee wishes to emphasize, however, that the requirements of section 205 do not preempt municipal zoning and related requirements so long as those requirements do not interfere with the exercise of the Secretary's authority under that section.

The language of section 207 would also have the effect of rendering unenforceable any rules or regulations of any Federal agency, to the extent that such rules or regulations would confer or deny benefits contrary to this title.

*Section 208—General provisions*

Section 208 contains general administrative provisions to enable the Office of Foreign Missions to operate as an adjunct of the Department of State, not affected by the day-to-day operations of the Department. It also provides protection for persons against liability for actions taken in good faith under this title. Protection is also accorded assets of or under the control of the Office of Foreign Missions.

Section 208(a) authorizes the Secretary to issue regulations to implement the policy of the title. These regulations will be controlling in determining the application of this title.

Section 208(b) provides protection against liability for persons acting in good faith to implement the title. This is intended particularly as a protection to private companies and individuals who would, in the normal course of doing business with foreign missions, be liable for breach of contract or other violations of duly constituted agreements. In all cases involving actions under this title by the Office of Foreign Missions, and good-faith compliance by any persons involved, it is the committee's intent that no liability should attach to those persons. Any problem which may be of concern to foreign missions in this connection, as in all others involving a country's bilateral relations with the United States, is to be directed to the Department of State.

The committee notes that the term "person" is intended to cover any juridical person, including any corporation or organization, as well as individuals. "Direction" by the Secretary is intended to include any official request for action or inaction.

This provision is derived from the Trading with the Enemy Act and the International Emergency Economic Powers Act and is to be construed as broadly as the corresponding provisions of those acts.

Section 208(c) provides the necessary authorities to hire personnel and acquire necessary services in order to meet the atypical needs of administering this title. The functions and personnel requirements of the Office of Foreign Missions may require a variety of employee services beyond the position descriptions generally available to the Department of State, and which could be required on an intermittent or temporary basis. Examples include property and zoning specialists, individuals to perform specialized liaison activities with State and local authorities or public utilities, or to provide travel or other services to implement constraints on foreign missions, and the like.

These services may be required on very short notice (e.g., 24 hours) as the need arises in reviewing activities of foreign government offices (such as consulates) which are located in a number of cities in the United States. Authority to respond rapidly is therefore basic to effective implementation of this title and to the efficient operations of the Office of Foreign Missions.

The committee wishes to stress that the effectiveness of this new Office will depend greatly on its structure and staffing patterns. It is vital that the Office be structured to be directly responsive to problems of U.S. missions abroad and domestic national security issues, and it should therefore be staffed to reflect these requirements. The committee expects that, to the extent practicable, members of the Foreign Service and individuals with related experience will be assigned to this Office. It is not, however, the committee's intention to place individual Foreign Service members in an awkward or hazardous position with regard to service in this Office and future assignments overseas.

Section 208(c)(1) authorizes the use of Federal employee services from other agencies with or without reimbursement. It is expected that available resources in the Federal Government will be used to the extent possible to reduce operating costs and maximize benefits. The committee encourages other Federal agencies to assist the Secretary to the maximum extent possible, consistent with the workload of the concerned agency. In many cases, such a detail or assignment (e.g., a zoning specialist from the Department of Housing and Urban Development asked to assist the Office of Foreign Missions with a matter in San Francisco) could prove to be useful experience for the employee, and therefore for the employee's agency.

Section 208(c)(2) provides authority necessary to acquire technical or professional services which may not reasonably be obtainable on a timely basis, or may not exist at all, within the Federal Government. This authority to obtain services is necessary due to the unusual personnel needs of this Office and the lack of adequate position descriptions to cover such personnel. The committee notes that such positions are lacking in the Federal Government because they are generally not needed on a long-term basis. The committee expects this authority to be used sparingly for temporary or intermittent services when they cannot otherwise be obtained within the Federal Government in a timely manner. This authority should be limited to a maximum of 20 individuals at any given time.

38

With regard to the provisions of section 208(c) discussed above, the following exchange of letters is relevant:

COMMITTEE ON FOREIGN AFFAIRS,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 19, 1981.

HON. WILLIAM FORD,  
*Chairman, Committee on Post Office and Civil Service.*

DEAR MR. CHAIRMAN: As you know, the Committee on Foreign Affairs has ordered reported H.R. 3518, which contains a provision which would establish a new Office of Foreign Missions within the Department of State. The purpose of this office is to regulate the conduct of foreign missions accredited to the United States. Among the provisions in this legislation is a section which grants certain authorities with regard to the obtaining of professional and technical services to assist this office in the discharge of its responsibilities.

We understand that your Committee may have some concerns with regard to these exceptions to the normal rules applicable to the obtaining of such professional and technical services by Government agencies.

It is my understanding, based on discussions between our respective staffs, that an amendment substantially as attached would meet the concerns of your Committee, while providing the necessary authorities for the operations of this new office. Accordingly, the Honorable Dante B. Fascell, chairman of the Subcommittee on International Operations, has agreed to offer such an amendment when H.R. 3518 is considered by the House.

With warm personal regards, I remain

Sincerely,

CLEMENT J. ZABLOCKI,  
*Chairman, Committee on Foreign Affairs.*

Attachment.

#### AMENDMENT TO H.R. 3518, AS REPORTED

In proposed new section 208 of the State Department Basic Authorities Act of 1956, as added by section 119(b) of the bill—

(1) in subsection (d) strike out "(except for personal services)" and insert in lieu thereof "including personal services"; and

(2) amend subsection (c) to read as follows: "(c) For purposes of administering this title—

"(1) the Secretary may accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency);

"(2) the Secretary may, to the extent necessary to obtain services without delay, exercise his authority to employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with such otherwise applicable requirements for that em-

39

ployment as the Secretary may determine, except that such employment shall be terminated after 60 days if, by that time, those requirements are not compiled with.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,  
*Washington, D.C., May 19, 1981.*

HON. CLEMENT J. ZABLOCKI,  
*Chairman, Committee on Foreign Affairs,*  
*U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Thank you for your recent letter concerning H.R. 3518, fiscal years 1982 and 1983 authorizations for the State Department, International Communication Agency, and the Board for International Broadcasting.

Although certain provisions of the reported bill concerning the authority of the Secretary to hire experts and consultants and certain other personnel without regard to civil service laws are matters within the jurisdiction of this Committee, with the assurance that the perfecting amendment enclosed with your letter will be offered by the floor manager when the bill is considered, I see no necessity to request sequential referral of H.R. 3518.

I appreciate the cooperation of your Committee and its staff in resolving this matter.

With kindest regards,  
Sincerely,

WILLIAM D. FORD,  
*Chairman.*

Section 208(d) provides authority for contracts for supplies and services, other than personal services covered by subsection (c) above. This subsection contains flexible contracting authority necessary to meet the requirements of this title, which in some cases may not be covered by standard procedures for supplies and services for general office purposes. Furthermore, these needs cannot always be anticipated in time to permit the operation of normal advertising and procurement processes. In addition, security requirements may necessitate special procurement procedures in some cases.

The committee notes that the procurement laws generally applicable to government agencies are intended to cover the needs of those agencies for supplies and services at the taxpayers' expense. By contrast, the Office of Foreign Missions will, on many occasions, procure supplies and services for foreign missions which will be paid for by those missions. Unlike present practice, where the Secretary of State exercises little or no control over procurement of supplies and services for foreign missions, this new procedure will permit such control. An example of such a requirement would be the need to find a local employment service which a foreign mission would be required to use to hire local employees. The authority of this subsection will be used sparingly and will permit these unusual requirements to be met in a timely manner.

Section 208(e) provides authority to the Office of Foreign Missions to obtain property or services from, or provide services or assistance to, other Federal agencies. This is intended to maximize interagency cooperation and to increase the efficiency and effectiveness of the Office of Foreign Missions.

Section 208(f) provides assurance that any assets held by or under the control of the Office of Foreign Missions will be exempt insofar as attachment, execution, and judicial process are concerned. This is necessary to assure that the functions of a foreign mission may not be interrupted by judicial process as a result of the Office's involvement with the interests of a foreign mission in the discharge of the Office's duties and responsibilities under this title.

Section 208(g) parallels the provisions of section 202(b) with respect to the authority of the Secretary to make determinations. This is necessary in order to avoid inconsistent interpretations or policies. This provision would not affect regulatory functions placed under this title in other agencies, such as the NCPD.

Aside from the proceedings before the Commission, which necessarily involve full public participation, actions and determinations under this title are in most cases political in nature, involving considerations of foreign policy and national security. Therefore, this subsection also provides that, except for the procedural requirements under section 206(b) in connection with hearings and other proceedings before the National Capital Planning Commission, determinations otherwise required under the title shall be limited to a requirement to adhere to appropriate administrative processes established by the Department, or by other agencies or officials vested with such responsibility.

Section 208(h) provides that fiscal needs of the Office of Foreign Missions and funding procedures for implementation of this title will be managed by the Secretary of State as part of the Department's working capital fund, established by section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684). This method of funding and audit control under established procedures of the working capital fund is appropriate for activities for which procurement and fiscal requirements cannot be anticipated in advance or on a scheduled basis. In addition, the committee believes that because the funds received from foreign missions will be used to provide benefits to foreign missions, the use of the working capital fund offers a practical way for the Office of Foreign Missions to be responsive to changing requirements. Therefore, this subsection provides for the use of the fund in lieu of otherwise applicable procedures concerning receipts and expenditures by the Government. The committee will continue to monitor the operations of the working capital fund, as it has done in the past.

*Section 209—Application to public international organizations and official missions to such organizations*

Section 209 grants authority to the Secretary to apply provisions of this title to international organizations or official missions thereto, where it is deemed appropriate to carry out the purposes of the title. This section recognizes the special relationship of the United States to the international organizations with headquarters in this country, and the separate international agreements applicable to that relationship.

Section 209(a) specifically authorizes the Secretary of State to make any provision of this title applicable to an international organization to the same extent that it applies to a foreign mission. The Secre-



tary's determination will be made after consultation with the international organization.

The term "international organization" is defined in section 209(b) as a public international organization designated as such pursuant to the International Organizations Immunities Act or other law. For the most part, such organizations are identified in Executive Order 9698, and subsequent Executive orders (22 U.S.C. 288 note). This definition also includes missions to international organizations which, although they usually represent individual sending states, are dealt with primarily in the context of relations between the United States and the international organizations. Because of the special responsibilities assumed by the United States as host to a number of international organizations, the general application of this to such organizations would be inappropriate. Nonetheless, the committee expects that particular provisions of the title will be applied to particular organizations if it is deemed necessary in order to carry out the policy of this legislation. The international obligations of the United States to assist and regulate the operations of international organizations are equally important as the obligations attaching to missions of sending states accredited to the United States.

#### *Section 210—Privileges and immunities*

This section declares that nothing in this title, including the congressional declaration of findings and policy in section 201, is intended to amend or supersede international obligations undertaken by the United States or other obligations required by U.S. law in connection with the conduct of activities by foreign missions and international organizations. Constraints placed pursuant to this title upon the conduct of foreign missions in the United States are not incompatible with permission granted by the Federal Government to conduct diplomatic and related activities in the United States. It is expected that implementation of this title will encourage a proper balancing of treatment of the foreign missions involved and will, in fact, enhance the ability of the United States to discharge its international treaty and other legal obligations. Finally, the last sentence of this subsection prevents a waiver of immunity by implication, in a manner consistent with the Foreign Immunities Act of 1976 and the Vienna Convention on Diplomatic Relations.

#### *Section 211—Enforcement*

Section 211 applies to parties dealing with foreign missions, and limits enforcement by the Federal Government generally to equitable or other appropriate relief through the Federal courts. This section also provides notice to third parties of the possible invalidity or impairment of contract provisions entered into in violation of this title. In view of the large number of circumstances which could arise, it is necessary to leave to applicable judicial remedies the resolution of questions with respect to the enforceability and effect of contracts or performance thereunder which the Secretary finds are in violation of this title. The committee fully expects the Secretary of State to minimize the need for judicial remedy by making it clear that foreign missions should, as a normal practice, consult with the Office of Foreign Missions before making commitments or taking steps which may be reviewed by the Office. Since the process of consultation by a foreign

mission with the Department is an integral aspect of bilateral relations today, this places no real burden on foreign missions. Instead, it will afford greater protection to their operations, and should result in improvement of their representational activities.

*Section 212—Severability*

Section 212 contains a standard severability clause. Inclusion of this clause is appropriate in view of the new authorities granted the Government and the resulting possibility of litigation. The foreign missions title is remedial in nature and is intended to provide redress in areas in which the Secretary of State finds that the Federal interest has been adversely affected. Thus, if a particular provision of the title or its application in a given case is held to be invalid, the remainder of the title or the application of its provisions will not be affected thereby. This will provide greater flexibility for a reviewing court to interpret broadly the provisions of the title in order to carry out its purposes.

Section 119(c) of the bill amends section 13 of the State Department Basic Authorities Act of 1956 to include the relevant functions in the foreign missions title as part of the State Department's working capital fund authorities.

The committee notes the receipt of favorable comments by the Department of State on the foreign missions title. The letter from Hon. Richard Fairbanks, Assistant Secretary of State.

DEPARTMENT OF STATE,  
Washington, D.C., May 12, 1981.

HON. CLEMENT J. ZABLOCKI,  
*Chairman, Committee on Foreign Affairs,*  
*House of Representatives.*

DEAR MR. CHAIRMAN: In response to your request, I am transmitting the comments of the Department of State on a proposed amendment to the FY 1982 Foreign Relations Authorization Bill concerning the regulation of foreign missions.

The Department strongly supports this legislative proposal. The amendment would authorize the Secretary of State to regulate activities of foreign missions in the United States on the basis of an assessment of treatment received by United States missions abroad, as well as a review of national security issues. This will assist our country to redress the current imbalance that sometimes exists between treatment of United States missions abroad and foreign government activities here. This authority to regulate the conduct of foreign missions and their personnel in the United States is clearly within the Federal jurisdiction, and will contribute to the effective conduct of foreign relations.

Moreover, in a time of declining Federal budgetary resources, arbitrary or unreasonable increases in costs of operating United States missions abroad, imposed or permitted by foreign governments, increasingly limit the ability of our missions to perform their functions. In such cases, the ability to place restraints on foreign missions here in the United States may enable our government to deal more effectively with such problems.

In addition, the ability of the United States to meet its important obligation to assist foreign missions to obtain adequate and secure lo-

cations in the United States, as well as the need to obtain comparable treatment abroad, would be enhanced by the proposed legislation. An important link in this process is to strengthen the Federal role in determining acceptable locations for foreign missions within our country, and most importantly in the Nation's capital. We believe this legislation carefully balances the need to accommodate the Federal interest with a process that weighs the municipal concerns as well.

Furthermore, interests of other federal agencies involved in ensuring that foreign mission activities in the United States remain within appropriate limits will also be enhanced by this proposed legislation.

The Department proposes several changes to the draft bill. These changes are not intended to alter the basic thrust of the legislation, but would enhance its implementation or provide clarification of the authorities therein.

First, we suggest that the term "independent" be eliminated from the first sentence of Section 203(a). That subsection with other sections of the bill, sets forth the authority to establish the Office of Foreign Missions and specifies the functions of the office. The term "independent" does not grant additional authority or limit the application of any other provisions of this proposed legislation, and is therefore unnecessary.

We believe Section 208(c)(1) should be modified by eliminating the clause "under contracts which may be renewed annually", and subsection (c)(2) eliminated in its entirety. These authorities are unnecessary, because the Secretary of State can obtain necessary personal services under remaining Sections of the bill either through assignment or detail of federal employees, or by the employment of experts and consultants under the remaining portions of subsection (c)(1) and (3).<sup>1</sup>

Finally, Section 208(h)(2) should be modified to eliminate the clause "Notwithstanding any other provision of law". The remainder of that section provides specific statutory authority with regard to the disposition of revenues obtained under the bill. The "notwithstanding" clause is therefore unnecessary, and could raise difficult questions as to the effect on other laws concerning audit and fiscal control which are not intended to be affected by this provision.

In addition, we note that there are minor variations between this draft legislation and S. 854, a comparable bill introduced in the Senate. In particular, sections 204(b) and (c) of the Senate bill have been combined in the House bill in order to make the criteria set forth in subsection (b) applicable in like manner to the authority granted the Secretary in subsection (c). We believe the text of the House bill will clarify and make consistent the criteria under which the authority granted the Secretary under Section 204 can be exercised.

The Office of Management and Budget has advised that from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

RICHARD FAIRBANKS,  
*Assistant Secretary  
for Congressional Relations.*

<sup>1</sup> The subsections referred to in this paragraph have been revised subsequent to the committee's receipt of this letter. Former subsec. 208(c)(1) has been eliminated, 208(c)(3) revised, and 208(c)(3) renumbered as 208(c)(1).

Section 119(d) contains amendments clarifying certain provisions of the Diplomatic Relations Act, which was reported by the Committee on Foreign Affairs and enacted by the Congress in 1978.

Section 119(d)(1) amends the definition of "members of a mission" in section 2(1)(A) of the Diplomatic Relations Act to add explicit reference to members who, although not "diplomatic staff" (as that term is used in the Vienna Convention on Diplomatic Relations), have been granted equivalent status pursuant to law. This will avoid any questions about the rights and corresponding obligations under the act of the senior staff of nondiplomatic missions who, under special legislation, are accorded the same privileges and immunities as the senior staff of a diplomatic mission.

Section 119(d)(2) adds explicit reference to the mission itself in section 3(b) of the Diplomatic Relations Act which specifies that the Vienna Convention on Diplomatic Relations shall be the governing standard in the United States with respect to privileges and immunities for nonparties to the Vienna Convention. As presently worded, section 3(b) does not specifically refer to privileges and immunities such as inviolability of premises, which apply to the mission rather than to any individual member thereof.

Section 119(d)(3)(A) similarly adds an explicit reference to the mission itself in section 4 of the Diplomatic Relations Act, which authorizes more favorable or less favorable treatment in the United States on the basis of reciprocity. Like section 3(b), discussed above, section 4 of the Diplomatic Relations Act presently refers only to individuals, giving rise to the same questions of interpretation. These amendments to section 3(b) and 4 of the act are in accord with the State Department's interpretation of the present law and are merely designed to correct an earlier drafting oversight.

Section 119(d)(3)(B) also amends section 4 of the Diplomatic Relations Act to delete the reference to "any sending state." This will assure that section 4 applies to missions or entities other than "sending states," such as that of the Commission of the European Communities, which are also intended to be covered by the Diplomatic Relations Act.

Section 119(d)(4) amends title 28 of the U.S. Code, by making applicable thereto the definition of "mission" contained in the Diplomatic Relations Act, rather than the definition contained in the Vienna Convention on Diplomatic Relations. This broadening of the definition will eliminate the present unintended disparity between the "missions" which are obliged to maintain liability insurance under section 6 of the Diplomatic Relations Act and the "missions" whose insurers may be named as defendants in direct actions by accident victims.

Section 119(e) contains conforming amendments to sections 6 and 16 of the act of June 20, 1938 (Public Law 684, 75th Cong., 62 Stat. 797), in order to carry out the purposes of section 206 of the foreign missions title (sec. 119(b) above). That section vests authority in the National Capital Planning Commission over the location of foreign missions, under provisions similar to those applicable to the location of Federal buildings under section 16 of the 1938 act.

## TITLE II—INTERNATIONAL COMMUNICATION AGENCY

*Section 201—Short title*

This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983."

*Section 202—Authorizations of appropriations*

Section 202 authorizes appropriations totaling \$561,402,000 for fiscal year 1982 and \$656,505,000 for the U.S. International Communication Agency (USICA) to carry out international communication, educational, cultural, and exchange programs under authority of the U.S. Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan No. 2 of 1977.

The following table sets forth the major categories of estimated expenditures for the International Communication Agency for fiscal year 1982:

Salaries and expenses:	
Overseas missions.....	\$146, 194, 000
Exchange of persons.....	92, 380, 000
Vehicle of America broadcasting.....	106, 669, 000
Program coordination, production, and support.....	39, 456, 000
Agency direction and management.....	33, 412, 000
Administrative support from other agencies.....	34, 076, 000
Subtotal .....	452, 187, 000
Center for Cultural and Technical Interchange Between East and West .....	16, 880, 000
Acquisition and construction of radio facilities.....	92, 335, 000
Total .....	561, 402, 000

The committee wishes to commend the U.S. Advisory Commission on Public Diplomacy on its initial report to the Congress. The Commission, charged with the responsibility of assessing the programs and policies of the International Communication Agency and evaluating its effectiveness in promoting international understanding, emphasizes both USICA's stature as the Government's principal public diplomacy resource and the inadequacy of funds to carry out the Agency's mission.

Though mindful of budgetary restrictions across the board, the committee shares the Commission's concern for the inadequate national investment in public diplomacy endeavors as compared with that of our allies and ideological adversaries. Today, the USICA operates in real dollar terms with less than half of the funding that the same programs had in the mid-1960's. USICA does not have adequate worldwide personnel to carry out its legislated responsibilities effectively. In the committee's view, the public diplomacy effort represents the single best nonmilitary effort the United States can make in order to promote U.S. interests and protect U.S. national security.

The committee is especially concerned with the Agency's exchange of persons program which has been cut by almost 50 percent over the

past 15 years. Whereas the Soviets have spent about \$1 billion over the past 25 years on worldwide scholarships to educate students from disadvantaged economic and social backgrounds—\$200 million annually for educational exchanges in the Third World alone—the United States will spend an estimated \$66 million in fiscal year 1982 for all of its educational and cultural programs. Due to budgetary restrictions, U.S. programs have been limited to graduate and undergraduate candidates from more highly developed countries to the exclusion of students from less affluent countries.

The Voice of America still operates with outdated 1942 transmitters. USICA support of the foreign policy effort in UNESCO has still not been adequately defined. Although, for the most part, the Voice of America and the Agency's exhibits and media products reach a broad audience, many USICA activities must be aimed only at leaders and public opinionmakers abroad due to the Agency's lack of funds. The Agency must explore what is lost in targeting VOA broadcasts to an elite rather than expanding contacts among a mass audience. For all of these reasons, the committee has recommended a 17 percent increase in USICA's 1983 budget over the fiscal year 1982 figures. Far from permitting significant real growth, the bulk of such an increase represents, in the committee's view, the minimum necessary to allow for high rates of inflation overseas and to permit the Agency to protect its programs from further erosion.

The following table demonstrates the serious erosion of resources which USICA has experienced since 1967:

HISTORY OF USICA RESOURCES, FISCAL YEARS 1967-82

[Dollars in thousands]

	Staff positions	Total appropriated <sup>1</sup>	Comparability adjustments <sup>1</sup>	Comparable operating funds	Constant dollars
Fiscal year:					
1967 .....	12,484	\$213,238	-\$9,834	\$203,404	\$203,404
1968 .....	11,765	222,055	-18,671	203,384	193,901
1969 .....	11,299	210,103	-9,390	200,713	181,754
1970 .....	10,766	215,195	-9,543	205,652	172,400
1971 .....	10,493	226,616	-8,805	217,811	170,656
1972 .....	10,133	238,814	-9,757	229,057	165,865
1973 .....	10,110	253,918	-10,914	243,004	165,166
1974 .....	9,791	271,427	-17,585	253,842	158,517
1975 .....	9,417	292,258	-17,856	274,402	154,721
1976 .....	9,115	323,807	-20,595	303,212	161,898
1977 .....	8,949	320,766	-3,886	316,880	157,148
1978 .....	8,886	346,582	-4,184	344,398	158,257
1979 .....	8,710	384,062	-4,618	379,444	160,504
1980 .....	8,656	409,093	-5,046	404,047	153,558
1981 .....	8,158	439,975		439,975	149,512
1982 .....	8,158	463,638		463,638	141,598

<sup>1</sup> In order to show basic operating funds on a comparable basis each year, funds appropriated for radio construction and the East-West Center have been excluded, and the following adjustments have been made: Deduct World's Fairs, administrative cost transfers to State, and add user charges paid to GSA.

### *Section 203—Changes in administrative authorities*

Section 203 amends the U.S. Information and Educational Exchange Act of 1948 to provide for certain changes in ICA administrative authorities.

Section 203(a) would enable the Director of the Agency to authorize the assignment of noncitizen employees of the United States to a foreign government at the request of the government. The committee estimates that, in addition to enlarging the pool of qualified applicants for such positions, this will be an economical as well as practical way to carry out this program of assistance to foreign governments.

Section 203(b) would authorize the Agency to enter into contracts for property and services on a multiyear basis, for a period not to exceed 5 years, when economies will be realized through long-term contracting. The section also requires cancellation of the contract if Congress does not appropriate funds for that purpose in subsequent years. It also provides for a cancellation payment to reimburse a contractor for the unrecouped portion of items such as startup costs that were to be prorated over the contract period. This authority applies to telecommunications activities, newswire services, and the distribution or publications abroad. It is expected that this authority will result in significant cost savings to the Agency through lower annual price increases in contract terms, decreased tariff rates on satellite broadcasting services, and the amortization of high startup costs over longer contract periods.

A variety of examples exist of the kind of economies and the potential for increased competition which the Agency might realize from this authority. In Greece, for example, there has long been a need for an offshore facility to provide more economical and efficient unloading of the substantial quantities of petroleum products used to operate the U.S. relay station at Kavala. A major supplier informed USICA that if it has been offered a multiyear contract for these products, it would have installed the needed facility at its own expense.

Second, multiyear contracts would permit the Agency to pay lower tariff rates for satellite broadcast transmission services. In addition, such contracts for newswire services would produce less drastic annual price increases. The cost to the Agency of obtaining computerized lists of books for use abroad for its numerous libraries would be substantially reduced under multiyear contracts. Finally, lacking the ability to contract on a multiyear basis for the maintenance of the grounds at USICA's relay stations, the Agency has encountered decreased competition and presumably, increased costs, since many small business enterprises are unwilling or unable to absorb in 1 year the relatively large capital costs of equipment needed to perform these maintenance services.

Section 203(c) is a technical amendment which would allow the Agency to acquire security vehicles, including special security equipment for vehicles, which would help meet or alleviate terrorist threats against USICA employees and property overseas. Such authority would bring ICA's regulations into line with authority previously granted to the Department of State.

Section 203(d) would insure that the duties of an Associate Director would be carried out should he or she die, resign, or become sick or absent. In such a case, the Associate Director's principal assistant would carry out the duties of the office until a successor is appointed or until the Associate Director resumes these duties. The committee



notes that normally the principal assistant does assume this responsibility on an acting basis in such circumstances. However, the Comptroller General has questioned the validity of actions taken by officials who occupy positions normally filled by Presidential nomination, unless legal authority is provided. This section will alleviate doubts surrounding the acting Associate Director's authority and will contribute to the efficiency of USICA operations.

Section 203(e) would exempt USICA from paying Federal workmen's compensation insurance for employees working on ICA's exhibits and performing arts exchanges.

As a result of a recent court decision, the law providing compensation for disability or death to employees at military bases outside the United States is applied to U.S. Government grants and service contracts—even when the contract is not related to the national defense. Therefore, performing arts groups on ICA-sponsored tours overseas must be insured under the more expensive Longshoremen's and Harbor Workers' Compensation Act, rather than using State or local workers' programs for which they already have coverage. The increased cost is significant (at least \$7,500 per grant regardless of size of performing group or length of tour) and seriously depletes the funds available for cultural programming.

By exempting exchanges and international fairs or expositions from the label of "public works," they fall outside the purview of the Defense Base Act and the compensation program mandated by that act.

Section 203(f) would allow funds to be appropriated to the ICA in order to eliminate the accrued debts incurred by that Agency in operating the now dormant informational media guaranty program (IMG). This program, in operation from 1956 to 1966, provided guarantees to U.S. firms of convertibility of currencies earned in the export of U.S. books, periodicals, films, and other informational media. The program was funded by the issuance of U.S. treasury notes. As the Congress canceled this program in 1967 and there are no plans to reactivate the IMG program in the future, the committee recommends that such sums as may be necessary be appropriated under the authorization contained in section 1011(b) of the U.S. Information and Educational Exchange Act of 1948, to liquidate the outstanding notes and accrued interest associated with the program prior to 1967, and the accrued interest thereon. At present this amounts to U.S. treasury notes payable totaling \$21,767,069 and current interest charges of \$11,950,354.

The committee feels that, as interest is accruing at an annual rate of \$700,000, and as such a transaction involves no actual budget outlays from the U.S. Treasury, it is desirable to settle his interest-bearing, nonoperational account as soon as possible.

*Section 204—Distribution within the United States of the film entitled: "Reflections: Samuel Elliott Morison"*

Section 204(a) would allow for the dissemination within the United States of the ICA film entitled, "Reflections: Samuel Elliott Morison," provided that ICA is reimbursed for any expenses involved.

The committee, in recommending that certain films and other media

products of the ICA be released within the United States, emphasizes that such dissemination is on a case-by-case basis, as authorized by law. In special situations, some domestic distribution is sanctioned by Congress under specific limitations, especially in light of the Agency's second mandate to encourage Americans to understand cultures other than their own. Nonetheless, as long as the prohibition against domestic dissemination exists in the law, the committee wishes to state that any requested exemptions will be scrutinized carefully.

The committee notes that legislation providing for the release of a USICA film within the United States requires that the Agency be reimbursed for costs incurred in domestic dissemination. It is the responsibility of USICA to notify the National Audio Visual Center, Government Services Administration, of the legislation permitting the film's release and to make a master copy of the film available to the Center. The National Audio Visual Center would then acquire any licenses or other rights required to exhibit the film in the United States, reimburse USICA for the master copy, and print additional copies to be made available to the public. Receipts from film sales would provide reimbursement to the National Audio Visual Center for its expenses.

#### TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

##### *Section 301—Short title*

Section 301 provides a short title for the provisions in title III relating to the Board for International Broadcasting.

##### *Section 302—Authorizations of appropriations*

This section amends the Board for International Broadcasting Act of 1973 to authorize appropriations of \$100,300,000 for fiscal year 1981 (an increase of \$13,513,000 over the existing fiscal year 1981 authorization level), \$98,317,000 for fiscal year 1982, and \$115,031,000 for fiscal year 1983. The supplemental request for fiscal year 1981 is actually an authorization of only \$600,000 due to the provisions of the continuing resolution for fiscal year 1981 which provided the remaining authorization of \$12,913,000.

Funds authorized by this section will enable the Board for International Broadcasting to carry out its policy oversight functions during fiscal years 1982 and 1983 and to make grants to RFE/RL, Inc., for broadcasts to Eastern Europe and the Soviet Union. The following table indicates estimated expenditures for fiscal years 1981 and 1982:

[In thousands of dollars]

	1981	Supplemental 1981	1982
BIB operating expenses.....	805	-----	838
Grants to RFE/RL, Inc. operating expenses.....	93,495	600	97,479
Currency devaluation fund.....	3,000	-----	-----
Relocation fund.....	2,400	-----	-----
Total.....	99,700	600	98,317

Radio Free Europe (RFE) and Radio Liberty (RL) were established in 1950 and 1951 respectively. Until June 30, 1971, both sta-

tions were operated with funds provided by the U.S. Central Intelligence Agency. Until 1976, the radios also raised a total of \$50,050,000 from private sources.

Upon termination of CIA funding of the radios in 1971, funding was authorized under section 703 of the U.S. Information and Educational Exchange Act of 1948. In 1973, Congress passed, and the President signed, the Board for International Broadcasting Act of 1973 which created a Board for International Broadcasting to receive and allocate congressionally appropriated funds to RFE and RL. In addition, the Board was given certain review and oversight functions.

Later, again at congressional initiative, the radios were merged into a single entity, RFE/RL, Inc. Since that time, consolidation efforts have resulted in a 26-percent reduction in the personnel level—from 2,368 employees on June 30, 1973, to 1,749 on September 30, 1978.

The function of the radios is, in effect, to broadcast local news behind the Iron Curtain where such news is often heavily censored or reflects only the official view of the Government. Radio Free Europe broadcasts to Poland, Romania, Czechoslovakia, Hungary, and Bulgaria. Radio Liberty broadcasts in Russian and 14 non-Russian languages to the Soviet Union. The mandate of RFE and RL differs from that of the Voice of America, which offers information about and views of the United States. The role of the radios has been succinctly described by a former director of the RFE Polish Language Service:

Without the Western radios in recent years, Soviet dissidents would have been deprived of one of their main communication lines with the broad masses of people. The solidarity of Polish workers was made possible by Western radio, acting as a communications link between strikers in various parts of the country. Without Radio Free Europe, the authorities would have been able to isolate and suppress local strikes before the news spread to the rest of the country. Western radios remain the prime source of information about Polish developments for other countries of the Soviet bloc. They also provide the means of comparison with life outside the bloc necessary to generate dissatisfaction and pressure for change.

The authorization level for fiscal year 1981 originally included \$3 million to be used in upgrading programming for certain languages of Soviet Central Asia. These funds would have covered capital operating and program expenditures to improve signal quality and increase hours of broadcasting to a number of significant non-Russian minority groups within the Soviet Union. However, due to the bombing of RFE/RL, Inc. headquarters earlier this year, approximately \$2.5 million of these funds will be needed to repair damage to the Munich facilities.

The overall reduction in estimated dollar costs in fiscal year 1982 is due to a substantial improvement in the second half of fiscal year 1980 in the exchange rate of the dollar against the West German mark and

other European currencies. The improvement in exchange rates has been critical because four-fifths of RFE/RL expenditures are in Deutsche marks, and an additional 10 percent in Portuguese escudos, Spanish pesetas, and other European currencies. The fiscal year 1982 request will permit continued operations at current program levels and will allow for an increase in transmitter power.

The requested 13 percent increase in fiscal year 1982 for operating expenses is needed to cover cost-of-living adjustments for RFE/RL employees, rising energy costs, and the operation of 11 new 250-kilo-watt transmitters (funded in fiscal years 1978 and 1979) which are being installed in Holzkirchen, West Germany, and Gloria, Portugal. The latter is scheduled to be operational in November 1981, at which time RFE/RL transmitter power will be double the 1974 level.

The 4-percent increase requested for the Board for International Broadcasting's administrative expenses reflects Federal pay increases, other inflationary adjustments, and program orientation travel necessary for new Board members.

In line with its concern for inflation overseas which erodes the budgets of U.S. agencies functioning overseas, the committee has recommended a 17-percent increase in the fiscal year 1983 authorization for the BIB. The committee does not anticipate that this increase will provide for any real program growth, but will only prevent the present program from eroding further.

The committee notes that RFE/RL has consistently suffered cuts in its budget and in its personnel over the years. At the same time, it has weathered repeated crises in Eastern Europe—worker uprisings, revolutions, Soviet invasions, and the like. Each of these, until the current Polish crisis, lasted only a few months. The present Polish situation began to develop in August 1980 and continues to the present time—a full 9 months. The Polish Language Service of RFE, shorthanded as it is, has done an excellent job, but the sustained high level of activity is having a negative effect on staff morale in the Polish Service. The need to reprogram funds to repair the bomb damage, rather than increasing funding to cover this situation, aggravates morale even further. In this connection, the committee is pleased to note that plans to transfer certain RFE/RL employees from Munich to the United States have been dropped, and the funds reprogrammed to better use.

Despite these budget cuts, however, the high quality of RFE/RL's work is noteworthy. In particular, the radios' research reports have been praised by their users. According to the National Foreign Assessment Center, the analytical content of these reports is very good, quite comprehensive, and is not readily available elsewhere. RFE/RL's biographic reports and chronologies often cover subjects not otherwise treated, and the reports on Soviet nationalities are noteworthy.

The committee also wishes to note a recent GAO recommendation for a comprehensive review of U.S. international broadcasting activities. The objective would be to develop a comprehensive U.S. international broadcasting policy for the 1980's. The committee urges the

President to conduct such a study which would, among other things, review the legal and organizational structure of RFE/RL, Inc., ways to improve and expand programing, satellite broadcasting, super-power transmitters, and the application of other technological advances to foreign broadcasting.

#### TITLE IV—INTER-AMERICAN FOUNDATION

##### *Section 401—Inter-American Foundation*

Section 401(a) provides \$12 million in authorization for fiscal year 1982 and \$20 million for fiscal year 1983 for the operation of the Inter-American Foundation.

The Foundation was created as an autonomous public corporation in 1969 with four goals set by Congress: (1) To strengthen the bonds of friendship and understanding among the peoples of this hemisphere; (2) to support self-help efforts enlarging opportunities for individual development; (3) to stimulate participation in the development process; and (4) to encourage the development of democratic institutions appropriate to the requirements of the individual sovereign nation. To carry out these goals, the Foundation has a small Washington-based staff which provides grants to indigenous non-Government organizations in Latin America and the Caribbean. The Inter-American Foundation has, with much success, supported the poor people of this area in their attempts to mobilize development efforts at the local level. It operates with no field staff, a minimum of redtape, and has kept its overhead at less than 15 percent. As an alternative to approaches which stress the material aspects of development, the Foundation contributes to cultural activities as well as assisting self-sustaining economic programs. This people-to-people approach, free from political constraints, has proved to be a successful method of reaching the poor and supporting the initiatives of private, nongovernmental groups in their search for self-reliance. Since its inception, the Foundation has provided \$112 million in grants to 914 projects.

##### *Section 401(b)—Administrative authorities*

Section 401(b) amends the Foreign Assistance Act of 1969 to provide the Board of the Inter-American Foundation with the same authority possessed by other agencies to set travel expenses, including per diem, in accordance with current civil service practice. Presently, the Foundation's Board is restricted to a sum of \$50 per day which is an unrealistic figure in some parts of the world.

#### REQUIRED REPORTS SECTION

##### COST ESTIMATE

The committee estimates that, assuming the full appropriation of the amounts authorized in this bill, the total budget authority required to carry out the provisions of H.R. 3518 will be \$3,133,587,000 for fiscal year 1982 and \$3,674,422,000 for fiscal year 1983. The fiscal year allocation of the total cost is set forth in the Congressional

Budget Office estimate below. The committee agrees with the projected cost estimate of the Congressional Budget Office.

INFLATIONARY IMPACT STATEMENT

The total fiscal year 1982 authorization contained in H.R. 3518 (\$3,133,587,000), if fully appropriated, would only amount to 0.4 percent of the President's revised March 1981 budget authority request. The committee notes that the total amount of authorizations in this legislation combined with the aggregate amount of all other fiscal year 1982 authorizations reported by the committee is \$652.5 million under the total amount requested by the President for the international affairs function (150) programs under the committee's jurisdiction. The committee also notes that the First Concurrent Resolution on the Budget for fiscal year 1982, as agreed to by the House, endorses the President's total request for the international affairs budget function. Therefore, in view of the fact that the authorizations contained in this and other legislation reported by the committee would be well below the President's request, the enactment of the legislation would contribute to the total effort to reduce the deficit and the present rate of inflation.

STATEMENTS REQUIRED BY CLAUSE 2(1)(3) OF HOUSE RULE XI

(a) *Oversight findings and recommendations*

As noted earlier in this report under "Committee Action," the Subcommittee on International Operations conducted extensive hearings on the executive branch's request for fiscal years 1982 and 1983. The subcommittee also held numerous oversight hearings on protection of Americans abroad, international communications, Foreign Service personnel issues, and U.N. finances. Other oversight activities which contributed to the formulation of this legislation included member and staff attendance at international conferences conducted by the International Committee for Migration, the World Administrative Radio Conference, the U.N. Human Rights Commission, the Department of State Administrative Officers Conference, the Conference of African Refugees, and various U.S. consular conferences.

Based on these oversight activities, the subcommittee recommends adoption of the authorizations and provisions contained in H.R. 3518.

(b) *Budget authority*

The enactment of H.R. 3518 will create no new budget authority.

(c) *Committee on Government Operations summary*

No oversight findings and recommendations which relate to this measure have been received by the Committee on Government Operations under clause 4(c)(2) of rule X of the rules of the House.

(d) *Congressional Budget Office cost estimate*

1. Bill No.: H.R. 3518.
2. Bill title: To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication

Agency, and the Board for International Broadcasting, and for other purposes.

3. Bill status: As ordered by the House Foreign Affairs Committee on May 12, 1981.

4. Bill purpose: Title I—Department of State—

Section 102 authorizes the appropriation of:

- (1) \$1,318,754,000 in fiscal year 1982 and \$1,744,391,000 in fiscal year 1983 for administration of foreign affairs;
- (2) \$563,806,000 in fiscal year 1982 and \$554,436,000 in fiscal year 1983 for international organizations and conferences;
- (3) \$22,508,000 in fiscal year 1982 and \$24,759,000 for fiscal year 1983 for international commissions, and
- (4) \$553,100,000 in fiscal year 1982 and \$555,600,000 for fiscal year 1983 for migration and refugees assistance.

Section 106 authorizes the annual appropriation of \$3,700,000 for each fiscal year 1982 and 1983 for bilateral science and technology agreements.

Section 107 authorizes the appropriation of such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates.

Section 108 changes the fees associated with the issuance of a passport from \$10 to a level determined by the Secretary of State. The section also extends the period for which a passport is valid from 5 to 10 years.

Sections 110–114 amend legislation which permanently authorizes the appropriation of funds to various international organizations.

Section 119 establishes an Office of Foreign Missions as an independent office within the Department of State and details the operations of the Office. The section further authorizes the Secretary of State to transfer such amount, available to the Department of State, as may be necessary for operation of the Office to the working capital fund.

Other sections of title I further amend the Department of State Authorization Act, Fiscal Years 1980 and 1981, and other acts which govern the activity of the Department of State.

Title II—International Communication Agency—

Section 202 authorizes the appropriation of \$561,402,000 in fiscal year 1982 and \$656,505,000 in fiscal year 1983 for the International Communication Agency.

Section 203 provides for the liquidation of the Informational Media Guaranty Fund.

Other sections of title II further amend the U.S. Information and Educational Exchange Act of 1948 and other acts which govern the activity of the International Communication Agency.

Title III—Board for International Broadcasting—

Section 302 authorizes the appropriation of an additional \$600,000 for fiscal year 1981, of \$98,317,000 for fiscal year 1982, and \$115,031,000 for fiscal year 1983.

Title IV—Miscellaneous Provisions—

Section 401 authorizes the appropriation of \$12,000,000 in fiscal year 1982 and of \$20,000,000 in fiscal year 1983 for the Inter-American Foundation.



## 5. Cost estimate:

[By fiscal year, in millions of dollars]

	1981	1982	1983	1984	1985	1986
<b>Title I—Department of State:</b>						
Budget function 150:						
Authorization.....		2,439.4	2,858.1	(1)	(1)	(1)
Estimated outlays.....		1,794.6	2,585.5	662.2	184.1	18.5
Offsetting receipts:						
Authorization.....		-73.2	-83.2			
Estimated outlays.....		-73.2	-83.2			
Budget function 300:						
Authorization.....		22.5	24.8			
Estimated outlays.....		21.2	24.3	1.6	(1)	
Budget function 600: <sup>2</sup> Authorization.....		73.2	83.2			
Additional revenues.....		-47.0	-47.0	-47.0	-47.0	-47.0
<b>Title II—International Communication Agency:</b>						
Budget function 150:						
Authorization.....		561.4	656.5			
Estimated outlays.....		396.6	631.7	143.8	43.7	2.1
<b>Title III—Board for International Broadcasting:</b>						
Budget function 150:						
Authorization.....	0.6	98.3	115.0			
Estimated outlays.....	.6	95.4	111.6			
<b>Title IV—Miscellaneous Provisions: Budget function 150:</b>						
Authorization.....		12.0	20.0			
Estimated outlays.....		7.0	14.3	5.9	3.5	1.3
<b>Totals:</b>						
Authorization.....	.6	3,133.6	3,674.4			
Estimated outlays.....	.6	2,244.6	3,284.2	813.5	231.3	21.9
Additional revenues.....		-47.0	-47.0	-47.0	-47.0	-47.0

<sup>1</sup> Less than \$500,000.<sup>2</sup> The \$73,200,000 and \$83,200,000 authorizations for fiscal years 1982 and 1983, respectively, represent part of the Federal contribution to the Foreign Service Retirement and Disability Fund. Payments from the fund are independently determined and are not directly related to specific contributions.

6. Basis for estimate: This estimate assumes the enactment of this legislation by June 15, 1981, and the provision of the full amount authorized in subsequent appropriation acts.

Section 108 of title I permits the Secretary of State to set fees on passports, which are credited to miscellaneous receipts of the Treasury. This estimate assumes the Secretary will increase fees from the current level of \$10 to \$25, thereby increasing revenues by \$47,000,000 in each fiscal year 1982-86. In addition to amounts explicitly authorized in the title, sections 110-114 increase permanent authorization levels by approximately \$100,000 in each fiscal year 1982-86. Because the committee authorized specific amounts for these accounts in fiscal years 1982 and 1983, the authorized level is not affected in these 2 years. Although section 119 establishes a new Office of Foreign Missions, within the Department of State, the section does not authorize the appropriation of funds for the Office. The Office will operate on funds transferred from other accounts in the Department of State and, as such, the section will have no net budget impact. Outlays for the title were estimated by applying historical disbursement rates.

Amounts explicitly authorized to the International Communication Agency in title II are estimated to outlay in historical patterns. Section 203 terminates outstanding financial liabilities associated with activity of the Information Media Guaranty Fund prior to fiscal year 1967. This section liquidates \$21,767,000 in principal and \$11,950,000 in interest but has no net budget impact. Amounts explicitly

authorized to the Board for International Broadcasting in title III and to the Inter-American Foundation in title IV are estimated to outlay at historical rates.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 12, 1981, CBO prepared a cost estimate for a Senate unnumbered bill, to authorize appropriations for fiscal years 1982 and 1983 for Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

9. Estimate prepared by: Rita J. Seymour and Willie R. Bradford.

10. Estimate approved by:

JAMES L. BLUM,  
*Assistant Director for Budget Analysis.*

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Secretary]*

#### TITLE I—BASIC AUTHORITIES GENERALLY

SECTION 1. *The Secretary* of State is authorized to establish, maintain, and operate passport and despatch agencies.

\* \* \* \* \*

SEC. 13. (a) There is hereby established a working capital fund for the Department of State, which shall be available without fiscal year limitations, for expenses (including those authorized by the Foreign Service Act of 1980) and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central services for supplies and equipment (including repairs); (3) such other administrative services as the Secretary, with the approval of the Bureau of the Budget, determines may be performed more advantageously and more economically as central services; [and] (4) medical and health care services; and (5) *services and supplies to carry out title II of this Act.* The capital of the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies

and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary determines to be excess to the needs of the fund.

(b) The current value of supplies returned to the working capital fund by a post, activity, or agency may be charged to the fund. The proceeds thereof shall, if otherwise authorized, be credited to current applicable appropriations and shall remain available for expenditures for the same purposes for which those appropriations are available. Credits may not be made to appropriations under this subsection as the result of capitalization of inventories.

*Sec. 14. (a) Any contract for the procurement of property or services, or both, for the Department of State or the Foreign Service which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—*

*(1) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and*

*(2) the Secretary of State determines that—*

*(A) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;*

*(B) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and*

*(C) such a method of contracting will not inhibit small business participation.*

*(b) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.*

\* \* \* \* \*

*Sec. 16. The first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the "Defense Base Act") shall not apply with respect to such contracts as the Secretary of State may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year.*

\* \* \* \* \*

*Sec. 24. (a) There are authorized to be appropriated for the Department of State, in addition to amounts otherwise authorized to be appropriated for the Department, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.*

*[(b) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the Department of State, there are authorized to be appropriated for the Department*

such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.】

(b)(1) *In order to maintain the levels of program activity provided for each fiscal year by the annual authorizing legislation for the Department of State, there are authorized to be appropriated for the Department such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the calendar year preceding the enactment of the authorizing legislation for such fiscal year.*

(2) *In order to eliminate substantial gains to the approved levels of overseas operations, the Secretary of State may transfer to the appropriation account established under paragraph (1) of this subsection such amounts in other appropriation accounts under the heading "Administration of Foreign Affairs" as the Secretary determines are excessive to the needs of the approved level of operations because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.*

(3) *Funds transferred from the appropriation account established under paragraph (1) shall be merged with and be available for the same purpose, and for the same time period, as the appropriation account to which transferred; and funds transferred to the appropriation account established under paragraph (1) shall be merged with and available for the purposes of that appropriation account until expended. Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.*

\* \* \* \* \*

SEC. 33. *The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:*

(1) *A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.*

(2) *The report, designated as a "Report of Birth Abroad of a Citizen of the United States", issued by a consular officer to document a citizen born abroad.*

SEC. 【33】 34. *This Act may be cited as the State Department Basic Authorities Act of 1956.*

\* \* \* \* \*

## TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

### DECLARATION OF FINDINGS AND POLICY

SEC. 201. (a) *The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.*

(b) *The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.*

(c) *The assistance to be provided to a foreign mission in the United States shall be determined after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission.*

DEFINITIONS

SEC. 202. (a) *For purposes of this title—*

(1) *"benefit" (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—*

(A) *real property by purchase, lease, exchange, construction, or otherwise,*

(B) *public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,*

(C) *supplies, maintenance, and transportation,*

(D) *locally engaged staff on a temporary or regular basis,*

(E) *travel and related services, and*

(F) *protective services,*

*and includes such other benefits as the Secretary may designate;*

(2) *"chancery" means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;*

(3) *"Director" means the Director of the Office of Foreign Missions established pursuant to section 203(a);*

(4) *"foreign mission" means any official mission to the United States involving diplomatic, consular, or other governmental activities of—*

(A) *a foreign government, or*

(B) *an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States,*

*including any real property of such a mission and including the personnel of such a mission;*

(5) *"real property" includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;*

(6) *"Secretary" means the Secretary of State;*

(7) *"sending State" means the foreign government, territory, or political entity represented by a foreign mission; and*

- (8) "United States" means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.
- (b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

OFFICE OF FOREIGN MISSIONS

SEC. 203. (a) The Secretary shall establish an Office of Foreign Missions as an independent office within the Department of State. The Office shall be headed by a Director, appointed by the Secretary, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State.

(b) The Secretary may authorize the Director to—

- (1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;
- (2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and
- (3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

PROVISION OF BENEFITS

SEC. 204. (a) Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

- (1) to facilitate relations between the United States and a sending State,
- (2) to protect the interests of the United States,
- (3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or
- (4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement; the acquisition, retention, or use of any real property; or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

(c) Terms and conditions established by the Secretary under this section may include—

- (1) a requirement to pay to the Director a surcharge or fee, and
- (2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person,

*in connection with any action determined by the Secretary to be undertaken in furtherance of this title.*

*(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).*

#### PROPERTY OF FOREIGN MISSIONS

*SEC. 205. (a)(1) The Secretary may require any foreign mission to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. If such a notification is required, the foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—*

*(A) only after the expiration of the sixty-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and*

*(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.*

*(2) For purposes of this section, "acquisition" includes any acquisition or alteration of, or addition to, any real property of any change in the purpose for which real property is used by foreign mission.*

*(b) The Secretary may require any foreign mission to divest itself of, or forego the use of, any real property determined by the Secretary—*

*(1) not to have been acquired in accordance with this section; or*

*(2) to exceed limitations placed on real property available to a United States mission in the sending State.*

*(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and there is not a protecting power or other agent designated by the sending State and approved by the Secretary which is responsible for the property of that foreign mission, the Secretary—*

*(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and*

*(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending State the net proceeds from such disposition.*

#### LOCATION OF FOREIGN MISSIONS

*SEC. 206. (a) In order to ensure the fulfillment of the international obligations of the United States and fulfillment of the policy of this title, and to ensure the orderly development of the national capital, the location,*



height, bulk, number of stories, and size of any building or other real property of a foreign mission in the District of Columbia, and the provision for open space in and around any such building or other property, shall be subject to approval by the National Capital Planning Commission (hereafter in this section referred to as the "Commission"). This subsection does not apply with respect to a building or other real property of a foreign mission if the Commission determines that the property will only be used by a party other than a foreign mission and will only be used for activities that do not involve the diplomatic, consular, or other governmental activities of a foreign mission.

(b) Any determination by the Commission pursuant to subsection (a) of this section which involves approval of the location of or a use of real property for a chancery, or involves approval of site and building plans for a chancery, shall be considered rulemaking under section 553 of title 5, United States Code, and shall be based solely on the following criteria:

- (1) the Federal interest;
- (2) the chancery is in an area (A) of predominantly office use, (B) of mixed use, including residential, commercial, office, or institutional use, (C) of medium or high density residential use, or (D) in reasonable proximity to streets on which existing chanceries are concentrated;
- (3) historic preservation (as determined in accordance with regulations issued by the Commission in carrying out this section);
- (4) the extent to which the area will be served by public transit to reduce parking requirements;
- (5) the extent to which the area will have adequate public facilities, utilities, and services, including streets, street lighting, water, sewer, electricity, telephone, and refuse collection;
- (6) the area is capable of being adequately protected, as determined by a Federal agency authorized to perform protective services; and
- (7) the municipal interest.

Any other determination by the Commission with respect to real property of a foreign mission pursuant to subsection (a) of this section shall be based solely on the criteria specified in paragraphs (1), (3), (6), and (7), and such other criteria as the Commission may by regulation establish.

(c) In any proceeding with respect to real property of a foreign mission pursuant to subsection (a) of this section—

- (1) a determination by the Secretary as to the Federal interest shall be given substantial weight; and
- (2) a determination by the Mayor of the District of Columbia as to the municipal interest shall be given substantial weight.

(d) In any proceeding with respect to real property of a foreign mission pursuant to subsection (a) of this section, the final determination with respect to approval of a location or use or approval of site and building plans shall be made not later than 5 months after the date of filing an application for such approval.

#### PREEMPTION

SEC. 207. Notwithstanding any other provision of law, no act of any Federal agency or of any State or municipal governmental authority shall be effective to confer or deny any benefits with respect to any foreign mission contrary to this title.

GENERAL PROVISIONS

*SEC. 208. (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.*

*(b) Compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.*

*(c) For purposes of administering this title, the Secretary may—*

*(1) accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and of employees of the employing agency); and*

*(2) obtain without regard to the provisions of law governing appointments in the competitive service, by appointment or contract (subject to availability of funds), the services of individuals to provide technical and professional services which are not otherwise available and which are required to carry out the functions of the Director.*

*(d) Contracts and subcontracts for supplies or services (except for personal services), made by or on behalf of the Director, shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed \$10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatibility of the supplies or services with implementation of this title.*

*(e) The head of any Federal agency may, for purposes of this title—*

*(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and*

*(2) acquire and accept services from the Office of Foreign Missions, including (whenever the Secretary determines it to be in furtherance of the purposes of this title) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.*

*(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.*

*(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary. Except as*

*provided in the first sentence of section 206(b), actions taken under the authority of this title shall not be considered rulemaking within the meaning of section 553 of title 5, United States Code.*

*(h)(1) In order to implement this title, the Secretary may transfer such amounts available to the Department of State as may be necessary to the working capital fund established by section 13 of this Act.*

*(2) Notwithstanding any other provision of law, all revenues, including proceeds from gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.*

**APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS**

*SEC. 209. (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines, after consultation with the international organization, that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b).*

*(b) For purposes of this section, "international organization" means—*

*(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or other law authorizing such status; and*

*(2) an official mission (other than a United States mission) to such a public international organization, including any real property of such an organization or mission and including the personnel of such an organization or mission.*

**PRIVILEGES AND IMMUNITIES**

*SEC. 210. Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title, shall be deemed to be an implied waiver of any immunity otherwise provided for by law.*

**ENFORCEMENT**

*SEC. 211. It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. This section shall be enforceable in any appropriate district court of the United States by injunctive or other equitable relief upon application by the Attorney General.*

**SEVERABILITY**

*SEC. 212. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby.*

UNITED STATES INFORMATION AND EDUCATIONAL  
EXCHANGE ACT OF 1948

\* \* \* \* \*

TITLE III—ASSIGNMENT OF SPECIALISTS

PERSONS TO BE ASSIGNED

SEC. 301. The [Secretary] *Director of the International Communication Agency* is authorized, when the government of another country is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to assign or authorize the assignment for service, to or in cooperation with such government, any [citizen of the United States] *person* in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving. No person shall be assigned for service to or in cooperation with the government of any country unless (1) the [Secretary] *Director* finds that such assignment is necessary in the national interest of the United States, or (2) such government agrees to reimburse the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment in accordance with the provisions of section 302, or (3) such government shall have made an advance of funds, property, or services as provided in section 902. Nothing in this Act, however, shall authorize the assignment of such personnel for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

STATUS AND ALLOWANCES

SEC. 302. Any [citizen of the United States] *person in the employ or service of the Government of the United States* while assigned for service to or in cooperation with another government under the authority of this Act, shall be considered, for the purpose of preserving his rights, allowances, and privileges as such, an officer or employee of the Government of the United States and of the Government agency from which assigned and he shall continue to receive compensation from that agency. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under [section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)] *section 905 of the Foreign Service Act of 1980*. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section [1765 of the Revised Statutes] *5536 of title 5, United States Code*.

ACCEPTANCE OF OFFICE UNDER ANOTHER GOVERNMENT

SEC. 303. Any [citizen of the United States] *person in the employ or service of the Government of the United States* while assigned for service to or in cooperation with another government under author-

ity of the Act may, at the discretion of his Government agency, with the concurrence of the [Secretary] *Director of the International Communication Agency* and without additional compensation therefor, accept an office under the government to which he is assigned, if the acceptance of such an office in the opinion of such agency is necessary to permit the effective performance of duties for

\* \* \* \* \*

#### TITLE VII—APPROPRIATIONS

\* \* \* \* \*

##### NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS

###### SEC. 704. (a) \* \* \*

\* \* \* \* \*

(c) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the International Communication Agency, there are authorized to be appropriated for the Agency such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the [preceding] *calendar year preceding the enactment of the authorizing legislation for such fiscal year.*

\* \* \* \* \*

#### TITLE VIII—ADMINISTRATIVE PROCEDURES

\* \* \* \* \*

##### GOVERNMENT AGENCIES

SEC. 802. (a) In carrying on activities which further the purposes of this Act, subject to approval of such activities by the Secretary, the Department and the other Government agencies are authorized—

(1) to place orders and make purchases and rentals of materials and equipment;

(2) to make contracts, including contracts with governmental agencies, foreign or domestic, including subdivisions thereof, and intergovernmental organizations of which the United States is a member, and, with respect to contracts entered into in foreign countries, without regard to section 3741 of the Revised Statutes (41 U.S.C. 22);

(3) under such regulations as the Secretary may prescribe, to pay the transportation expenses, and not to exceed \$10 per diem in lieu of subsistence and other expenses of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Act of 1926, as amended; and

(4) to make grants for, and to pay expenses incident to, training and study.

(b)(1) *Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—*

(A) *appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and*

(B) the Director of the International Communication Agency determines that—

(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

(iii) such method of contracting will not inhibit small business participation.

(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries.

\* \* \* \* \*

#### BASIC AUTHORITY

Sec. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) \* \* \*

\* \* \* \* \*

(16) purchase passenger motor vehicles for use abroad, and righthand drive and security vehicles may be so purchased without regard to any maximum price limitation established by law;

\* \* \* \* \*

#### ACTING ASSOCIATE DIRECTORS

Sec. 808. If an Associate Director of the International Communication Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

#### COMPENSATION FOR DISABILITY OR DEATH

Sec. 809. A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered a "public work" as that term is defined in the first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the "Defense Base Act").

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TITLE X—MISCELLANEOUS

\* \* \* \* \*

INFORMATIONAL MEDIA GUARANTIES

SEC. 1011. (a) \* \* \*

\* \* \* \* \*

(h) (1) There is authorized to be appropriated annually an amount to restore in whole or in part any realized impairment to the capital used in carrying on the authority to make informational media guaranties, as provided in subsection (c), through the end of the last completed fiscal year.

(2) Such impairment shall consist of the amount by which the losses incurred and interest accrued on notes exceed the revenue earned and any previous appropriations made for the restoration of impairment. Losses shall include the dollar losses on foreign currencies sold, and the dollar cost of foreign currencies which (a) the Secretary of the Treasury, after consultation with the Director, has determined to be unavailable for, in excess of, requirements of the United States, or (b) have been transferred to other accounts without reimbursement to the special account.

(3) Dollars appropriated pursuant to this section shall be applied to the payment of interest and in satisfaction of notes issued or assumed hereunder, and to the extent of such application to the principal of the notes, the Director is authorized to issue notes to the Secretary of the Treasury which will bear interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the guaranties. The currencies determined to be unavailable for or in excess of requirements of the United States as provided above shall be transferred to the Secretary of the Treasury to be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts.

(4) *Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph.*

SECTION 8 OF THE BOARD FOR INTERNATIONAL BROADCASTING ACT  
OF 1973

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act—

[(A) \$81,917,000 for the fiscal year 1980 and \$86,787,000 for the fiscal year 1981, of which amount for each such year not less than \$790,000 shall be available only to carry out the provisions of this Act other than the provisions of paragraph (1) of section 4(a); and]



(A) \$100,300,000 for the fiscal year 1981, \$98,317,000 for the fiscal year 1982, and \$115,031,000 for the fiscal year 1983; and

(2) In order to maintain the level of operations authorized under paragraph (1) for RFE/RL, Incorporated, there are authorized to be appropriated such additional amounts as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the [preceding] calendar year preceding the enactment of the amendments to paragraph (1) which provide the authorization for such fiscal year. Amounts appropriated under this paragraph shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines (and so certifies to the Congress) is necessary, because of such fluctuations, in order to maintain the level of operation authorized under paragraph (1) for RFE/RL, Incorporated.

#### SECTION 1 OF THE ACT OF JUNE 4, 1920

AN ACT making appropriations for the Diplomatic and Consular Services for the fiscal year ending June 30, 1921.

#### FEEES FOR PASSPORTS AND VISAS

SECTION 1. [There shall be collected and paid into the Treasury of the United States quarterly a fee of \$10 for each passport issued and a fee in an amount prescribed by the Secretary of State by regulation for executing each application for a passport.] *There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport.* Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

#### SECTION 2 OF THE ACT OF JULY 3, 1926

[SEC. 2. The validity of the passport shall be limited to a period of not more than five years. The Secretary of State may limit a pass-

port to a shorter period. A valid passport outstanding as of the effective date of this Act shall be valid for a period of five years from the date of issue except where such passport is or has been limited by the Secretary of State to a short period.】

*SEC. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation.*

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SECTION 1 OF THE JOINT RESOLUTION OF AUGUST 2, 1935

JOINT RESOLUTION To provide for membership of the United States in the Pan American Institute of Geography and History; and to authorize the President to extend an invitation for the next general assembly of the Institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to meet the obligations of the United States as a member of the Pan American Institute of Geography and History, there are authorized to be appropriated to the Department of State—

(1) such sums【, not to exceed \$200,000 annually,】 as may be required for the payment by the United States of its share of the expenses of the Institute, as apportioned in accordance with the statutes of the Institute;

(2) such additional sums as may be needed annually for the payment of all necessary expenses incident to participation by the United States in the activities of the Institute; and

(3) the sum of \$386,050 for payment by the United States of its assessed annual contributions for the period beginning July 1, 1964, and extending through the fiscal year expiring June 30, 1969.

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SECTION 2 OF THE JOINT RESOLUTION OF DECEMBER 30, 1963

JOINT RESOLUTION To provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor.

\* \* \* \* \*

SEC. 2. There are authorized to be appropriated such sums as may be necessary for the payment by the United States of its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law 【, except that in no event shall any payment of the United States to the Conference or the Institute for any year exceed 7 per centum of all expenses apportioned among members of the Conference or the Institute, as the case may be, for that year】.

THE JOINT RESOLUTION OF JUNE 28, 1948

JOINT RESOLUTION Providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized to accept membership for the Government of the United States in, and to appoint the United States delegates and their alternates to, the Pan American Railway Congress, the constitution and bylaws of which were approved in Montevideo, Uruguay, April 1946, and deposited in the archives of the Pan American Union in Washington.

SEC. 2. There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) [Not more than \$15,000 annually] *Such sums as may be necessary* for the payment by the United States of its proportionate share of the expenses of the Pan American Railway Congress and its Permanent Commission; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities thereof, including expenses of the United States delegates, their alternates, and appropriate staff, without regard to the civil-service laws and the Classification Act of 1923, as amended; personal services in the District of Columbia; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111), and section 3709 of the Revised Statutes, as amended; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the organization: *Provided*, That the provisions of section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b).

UNITED NATIONS PARTICIPATION ACT OF 1945

\* \* \* \* \*

SEC. 2. (a) \* \* \*

\* \* \* \* \*

(h) *The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status, who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such individual shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United*

*Nations and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct.*

\* \* \* \* \*

SEC. 8. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1923, as amended; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, and section 10 of the Act of March 3, 1933, as amended, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U.S.C. 118a); cost-of-living allowances for personnel stationed abroad under such rules and regulations as the Secretary of State may prescribe; communications services; stenographic reporting, translating, and other services, by contract; hire of passenger motor vehicles and other local transportation; rent of offices; printing and binding without regard to section 11 of the Act of March 1, 1949 (44 U.S.C. 111); allowances and expenses as provided in section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and allowances and expenses equivalent to those provided in section 905 of the Foreign Service Act of 1980, the lease or rental (for periods not exceeding ten years) of living quarters for the use of the [representative of the United States to the United Nations referred to in paragraph (a) of section 2 hereof] *representatives provided for in section 2 of this Act and of their appropriate staffs*, the cost of installation and use of telephones in the same manner as telephone service is provided for use of the Foreign Service pursuant to the Act of August 23, 1912, as amended (31 U.S.C. 679), and unusual expenses similar to those authorized by section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act, incident to the operation and maintenance of such living quarters; and such other expenses as may be authorized by the Secretary of State; and without regard to section 3709 of the Revised Statutes as amended (41 U.S.C. 5). *Any payments made by United States Government personnel for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose.*

FOREIGN SERVICE ACT OF 1980

\* \* \* \* \*  
TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES  
\* \* \* \* \*

CHAPTER 7—FOREIGN SERVICE INSTITUTE, CAREER DEVELOPMENT,  
TRAINING, AND ORIENTATION  
\* \* \* \* \*

SEC. 704. TRAINING AUTHORITIES.—(a) In the exercise of functions under this chapter, the Secretary of State may—

(1) \* \* \*

\* \* \* \* \*  
(b) In furtherance of the objectives of this Act, the Secretary may—

(1) pay the tuition and other expenses of members of the Service and employees of the Department who are assigned or detailed in accordance with law for special instruction or training, including orientation, language, and career development training;

(2) pay the salary (excluding premium pay or any special differential under section [411] 412) of members of the Service selected and assigned for training; and

(3) provide special monetary or other incentives to encourage members of the Service to acquire or retain proficiency in foreign languages or special abilities needed in the Service.

\* \* \* \* \*  
CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM  
\* \* \* \* \*

SEC. 814. FORMER SPOUSES.—(a)(1) \* \* \*

\* \* \* \* \*

(3) The annuity of a former spouse under this subsection commences on the later of the day the participant upon whose service the annuity is based becomes entitled to an annuity under this chapter [on] or the first day of the month in which the divorce or annulment involved becomes final. The annuity of such former spouse and the right thereto terminate on—

(A) the last day of the month before the former spouse dies or remarries before 60 years of age; or

(B) the date the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

\* \* \* \* \*

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DIPLOMATIC RELATIONS ACT

\* \* \* \* \*

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term “members of a mission” means—

[(A) the head of a mission and members of the diplomatic staff of a mission,]

(A) *the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,*

(B) members of the administrative and technical staff of a mission, and

(C) members of the service staff of a mission,  
as such terms are defined in Article 1 of the Vienna Convention;

(2) the term "family" means—

(A) the members of the family of a member of a mission described in paragraph (1)(A) who forms part of his or her household if they are not nationals of the United States, and

(B) the members of the family of a member of a mission described in paragraph (1)(B) who form part of his or her household if they are not nationals or permanent residents of the United States.

within the meaning of Article 37 of the Vienna Convention;

(3) the term "mission" includes missions within the meaning of the Vienna Convention and any missions representing foreign governments, individually or collectively, which are extended the same privileges and immunities, pursuant to law, as are enjoyed by missions under the Vienna Convention; and

(4) the term "Vienna Convention" means the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227), entered into force with respect to the United States on December 13, 1972.

ESTABLISHMENT OF THE VIENNA CONVENTION AS THE UNITED STATES  
LAW ON DIPLOMATIC PRIVILEGES AND IMMUNITIES

SEC. 3. (a)(1) Sections 4063 through 4066 of the Revised Statutes of the United States (22 U.S.C. 252-254) are repealed.

(2) The section analysis of title XLVII of the Revised Statutes of the United States is amended by striking out the items relating to sections 4063 through 4066.

[(b) Members of the mission of a sending state which has not ratified the Vienna Convention, their families, and the diplomatic couriers of such state, shall enjoy the privileges and immunities specified in the Vienna Convention.]

(b) *With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention.*

AUTHORITY TO EXTEND MORE FAVORABLE OR LESS FAVORABLE  
TREATMENT

SEC. 4. The President may, on the basis of reciprocity and under such terms and conditions as he may determine, specify privileges and immunities for *the mission, the members of the mission, their families, and the diplomatic couriers* [of any sending state] which result in more favorable treatment or less favorable treatment than is provided under the Vienna Convention.

\* \* \* \* \*

TITLE 28, UNITED STATES CODE

\* \* \* \* \*

CHAPTER 85—DISTRICT COURTS; JURISDICTION

\* \* \* \* \*

§ 1364. Direct actions against insurers of members of diplomatic missions and their families

(a) The district courts shall have original and exclusive jurisdiction, without regard to the amount in controversy, of any civil action commenced by any person against an insurer who by contract has insured an individual, who is a member of a mission ([as defined in the Vienna Convention on Diplomatic Relations] *within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))*) or a member of the family of such a member of a mission, or an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, against liability for personal injury, death, or damage to property.

(b) Any direct action brought against an insurer under subsection (a) shall be tried without a jury, but shall not be subject to the defense that the insured is immune from suit, that the insured is an indispensable party, or in the absence of fraud or collusion, that the insured has violated a term of the contract, unless the contract was cancelled before the claim arose.

\* \* \* \* \*

ACT OF JUNE 20, 1938

AN ACT Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes.

\* \* \* \* \*

SEC. 6. [(a)] The permissible height of buildings in any district shall not exceed the maximum height of buildings now authorized upon any street in any part of the District of Columbia by the Act of Congress approved June 1, 1910, and amendments thereto, regulating the height of buildings in the District of Columbia.

[(b)] After the date of enactment of this subsection a foreign government shall be permitted to construct, alter, repair, convert, or occupy a building anywhere in the District of Columbia, other than a district or zone restricted in accordance with this Act to use for industrial purposes, for use by such government as an embassy.

[(c)] After the date of enactment of this subsection, except as otherwise provided in subsection (d) of this section, no foreign government shall be permitted to construct, alter, repair, convert, or occupy a building for use as a chancery where official business of such government is to be conducted on any land, regardless of the date such land was acquired, within any district or zone restricted in accordance with this Act to use for residential purposes.

[(d)] After the date of enactment of this subsection a foreign government shall be permitted to construct, alter, repair, convert, or



occupy a building for use as a chancery within any district or zone restricted in accordance with this Act to use for medium-high density apartments or high density apartments if the Board of Zoning Adjustment shall determine after a public hearing that the proposed use and the building in which the use is to be conducted are compatible with the present and proposed development of the neighborhood. In determining compatibility the Board of Zoning Adjustment must find that—

[(1) in districts or zones restricted in accordance with this Act to use for medium-high density apartments, that off-street parking spaces will be provided at a ratio of not less than one such space for each twelve hundred square feet of gross floor area; and

[(2) in districts or zones restricted in accordance with this Act to use for high density apartments, that off-street parking spaces will be provided at a ratio of not less than one such space for each one thousand eight hundred square feet of gross floor area; and

[(3) the height of the building does not exceed the maximum permitted in the district or zone in which it is located; and

[(4) the architectural design and the arrangement of all structures and off-street parking spaces are in keeping with the character of the neighborhood.

[(e) As used in this section, the term—

[(1) "embassy" means a building used as the official residence of the chief of a diplomatic mission of a foreign government.

[(2) "chancery" means a building containing business offices of the chief of a diplomatic mission of a foreign government where official business of such government is conducted, and such term shall include any chancery annex, and the business offices of attachés of a foreign government who are under the personal direction and superintendence of the chief of mission of such government. Such term shall not include business offices of non-diplomatic missions of foreign governments such as purchasing, financial, educational, or other missions of comparable nondiplomatic nature.

[(3) "person" means any individual who is subject to direction by the chief of mission of a foreign government and is engaged in diplomatic activities recognized as such by the Secretary of State.]

\* \* \* \* \*

SEC. 16. The provisions of this Act shall not apply to Federal public buildings: *Provided, however,* That, in order to insure the orderly development of the National Capital, the location, height, bulk, number of stories, and size of Federal public buildings in the District of Columbia and the provision for open space in and around the same will be subject to the approval of the National Capital Park and Planning Commission. *In addition, the provisions of this Act shall not apply to any real property to which section 306(a) of the State Department Basic Authorities Act of 1956 (relating to foreign missions) is applicable.*

\* \* \* \* \*

SECTION 401 OF THE FOREIGN ASSISTANCE ACT OF 1969

PART IV—THE INTER-AMERICAN FOUNDATION ACT

SEC. 401. INTER-AMERICAN FOUNDATION.—(a) \* \* \*

\* \* \* \* \*

(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for [actual and necessary expenses not in excess of \$50 per day, and for transportation expenses] *travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code*, while engaged in their duties on behalf of the corporation.

\* \* \* \* \*

(s)(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of \$50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(2) There is authorized to be appropriated not to exceed [\$25,000,000 for each of the fiscal years 1979 and 1980] *\$12,000,000 for the fiscal year 1982 and \$30,000,000 for the fiscal year 1983* to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended.

\* \* \* \* \*